

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Bail Application No.3585 of 2025

Jafar Salim Momin
Aged 22 years, Occ-Business,
Indian Inhabitant, R/at. Kanali
Mala, Hanuman Nagar, Sinnar,
Tal: Sinnar, Dist- Nashik.
(At present languishing in
Nashik Central Jail)

... Applicant

versus

The State of Maharashtra
Through Sinnar Police Station
C.R. No.766 of 2023

...Respondent

Ms Sana Khan a/w Mr Tushar Chavan, for the Applicant.
Mr M G Patil, APP, for Respondent / State.

Coram: R.N. Laddha, J.
Date: 3 December 2025

P.C.:

Heard Ms Sana Khan, the learned Counsel appearing on behalf of the applicant, and Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/ State.

2. By this application, the applicant seeks bail in connection with CR No.766 of 2023, registered at Sinnar Police Station,

Nashik, for offences punishable under Sections 363, 364A, 120B, 392, 384, 342, 386, 323, 504, and 506 read with 34 of the Indian Penal Code, and Sections 3 and 25 of the Arms Act, 1959.

3. It is the case of the prosecution that the applicant and the co-accused, in connivance with each other, went to the place where the informant's minor son, Arjun, resides and forcibly entered the premises. There, they tied Arjun and his flatmate, Karan Chakradhari, using adhesive tape. While they threatened them with a pistol and a knife, Arjun was physically assaulted with kicks and punches and subjected to verbal abuse and intimidation. Thereafter, co-accused Anish locked Karan inside the bathroom and restrained Arjun with adhesive tape and administered an intoxicating substance. The accused persons then abducted Arjun, taking him to the applicant's godown and confining him. There, they called the informant from Arjun's phone number and demanded a ransom of Rs.1 lakh, threatening to kill Arjun if the demand was not fulfilled.

4. The learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the First Information Report (FIR) was initially lodged against unknown individuals, and neither Arjun nor the eyewitness Karan implicated the applicant. The present crime is a retaliatory

action to avoid repayment of debts, and the applicant has been falsely implicated. The learned Counsel submits that the victim and the co-accused, Anish, operated a share marketing business, and at the victim's behest, the co-accused convinced the applicant and his father to invest with them. After a while, when several investors began demanding money, the co-accused insisted that Arjun settle the dues; instead, he threatened to lodge false complaints. The learned Counsel points out that there are inconsistencies in the informant's version of events as recorded in the FIR and the supplementary statement. The statement of eyewitness Karan Chakradhary does not reveal the use of a pistol to induce threats as claimed by the prosecution, and the alleged pistol has not been recovered.

5. Furthermore, it is submitted that the applicant has been languishing in jail since 28 November 2023. No incriminating material has been recovered from the applicant, and despite the conclusion of the investigation and filing of a charge sheet, no charges have been framed to date. The co-accused have already been released on bail, and the applicant is entitled to parity. The applicant is a young boy aged about 22 years, having no criminal antecedents, and is ready to abide by any conditions this Court deems fit to impose.

6. On the other hand, the learned Additional Public

Prosecutor representing the respondent/ State opposes the applicant's request for bail. He submits that the applicant was instrumental in the commission of the crime. The offence is of a grave and serious nature. The learned APP raises concerns about potential tampering with evidence and influencing witnesses if the applicant is released on bail.

7. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records. A bare reading of the FIR reveals that the crime was initially registered against unknown individuals upon receipt of information from eyewitness Karan. The statement of eyewitness Karan does not implicate the applicant. Notably, no Test Identification Parade has been conducted. The allegations against the applicant appear to be general and lack specificity. Furthermore, the co-accused, whose role is similar to that of the applicant, have already been released on bail. The applicant has been languishing in jail since 28 November 2023 and has no criminal antecedents. Despite the filing of the charge sheet, no charges have been framed to date. The prosecution intends to examine as many as seventeen witnesses, and the trial is unlikely to conclude in the near future. The prosecution's apprehensions about evidence tampering and witness influence can be addressed by imposing appropriate conditions. In light

of the foregoing, this Court is inclined to grant bail to the applicant. Hence, the following order:

ORDER

(i) The applicant shall be released on bail in CR No.766 of 2023, registered at Sinnar Police Station, Nashik, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall cooperate and regularly attend the trial proceedings for the expeditious disposal of the case.

8. The application stands disposed of accordingly.

(R.N. Laddha, J.)