

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3870 of 2025**

Mohamed Fazal Siddiqui Gilitwala ...Applicant
Versus
State of Maharashtra _____ ...Respondent

Mr. M.A. Khan, with Saniya Khan, Zikra Ansari, for the Applicant.

Ms Manisha R Tidke, APP for the State-Respondent.

Mr. Vanjari, API attached to LA1, Mumbai, L.T.Marg Police Station present.

CORAM Dr. Neela Gokhale, J.
DATED: 10th October 2025

PC:-

1. The Applicant, who is Accused No.1, seeks his release on bail in connection with the FIR No.65 of 2023 dated 25th January 2023 registered with the L.T. Marg Police Station, Brihanmumbai City for the offences punishable under Sections 392, 170, 120-B and 504 of the Indian Penal Code, 1860 ('IPC' for short).

2. The facts of the case, in brief, are that;

2.1 The Applicant along with a few other persons visited the office of the Complainant and impersonated themselves to be officers of the Directorate of Enforcement ('ED'). They started searching cupboards in the office of the Complainant. They found a bag of Rs.10 Lakhs in one of the cupboards. The Applicant along with other accused, siphoned off this money. Ultimately, the Complainant made the present complaint, pursuant to which the FIR was registered.

3. Mr. Khan, learned counsel appearing for the Applicant, submits that the entire amount of Rs.5 Lakhs alleged to have been taken by the Applicant, is recovered from him. He also points to the orders passed by the Sessions Court and this Court in the matter of co-accused wherein some of the co-accused have been granted bail. Hence, he submits that on the principle of parity, the Applicant be released on bail.

4. *Per contra*, Ms. Manisha Tidke, learned APP representing the State, while resisting the Bail Application, submits that the Applicant has antecedents. In fact, on the

very same date, he impersonated himself as an officer of ED before another complainant and siphoned of gold worth Rs.2.50 Crores. In these circumstances, she submits that he is a habitual offender and he is the main accused and master mind of such type of offences. Hence, she prays that bail application be rejected.

5. I have heard learned counsels appearing for the respective parties and perused the record with their assistance.

6. I have gone through the bail orders passed by the Sessions Court in the matters of co-accused namely, Kadar Ibrahim Shaikh and Vishakha Mudhole, who are enlarged on bail. I have also gone through order dated 26th August 2024 passed by this Court, in the matter of another co-accused namely, Akbar Abdul Sattar Qureshi. The role of Akbar Abdul Sattar Qureshi is distinct from that of the Applicant inasmuch as co-accused Akbar Qureshi was only alleged to have been keeping watch on the road, however, the role attributed to co-

accused Vishakha Mudhole is similar to that of the Applicant. Hence, on the principle of parity, I am inclined to grant bail to the present Applicant. In any case, an amount of Rs.5 Lakhs is recovered from the Applicant and in the other C.R., which is the antecedent against him, an amount of Rs.2.25 Crores and 2 kgs. of gold have been recovered from him. Considering that the Applicant was arrested on 24th January 2023 and till date, even the charges are not framed, I am inclined to grant bail to the present Applicant on the following conditions:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall also attend the Police Station concerned once in a month on the first Saturday of every month between 11:00 a.m. to 02:00 p.m.;

iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the Police Station concerned, if any;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and mobile number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court

seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

7. Application is allowed in the above terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)

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Signed by
SHAMBHAVI
NILESH
SHIVGAN
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