

AGK

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

ANTICIPATORY BAIL APPLICATION NO.2460 OF 2025

Ifiran Nijam Khan	... Applicant
V/s.	
The State of Maharashtra	... Respondent

ATUL
GANESH
KULKARNI
Digitally signed by
ATUL GANESH
KULKARNI
Date: 2025.09.08
17:51:27 +0530

Mr. Animesh Kashyap for the applicant.

Mrs. Shilpa G. Talhar, APP for the respondent-State.

Mr. Babar, I.O., Panvel Taluka Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 8, 2025

P.C.:

1. The applicant, apprehending arrest in connection with Crime Register No.205 of 2025 registered with New Panvel Police Station for an offence punishable under Section 305(b) of the Bhartiya Nyaya Sanhita, 2023, has approached this Court seeking pre-arrest bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023.

2. As per the prosecution case, on 28 July 2025 at about 11.00 p.m., a consignment of goods was loaded at Makadi, Bangalore, into truck No.KA-52-C-0299. The truck was secured with the company's lock and placed in the lawful custody of the transport company for onward delivery to the Mumbai-Thane-Navi Mumbai region under the supervision of the complainant. On 30 July 2025 at around 9.00 a.m., at Chimbali Phata, Pune, part of the

consignment was offloaded. The company's lock was broken and replaced with an ordinary lock without the consent or knowledge of the complainant. The remaining goods continued in transit.

3. On 31 July 2025, at about 2.03 a.m., the said truck was allegedly halted on the Mumbai-Pune Expressway near Panvel under the pretext that the driver required rest. It is alleged, based on GPS records and investigation, that by 5.14 a.m. the truck was driven to a godown behind the HP Petrol Pump at Bhiwandi, where a portion of the consignment was unlawfully removed. The goods allegedly misappropriated are:

(a) Three boxes of "Fack Ross" 22 mm x 8 mm x 200 m, valued at Rs.22,000 each, wrapped in plastic carry bags and marked "FE" in red ink; and

(b) Thirty-five packets (twenty-five gunny bags and ten cartons) of coffee powder marked "MOUNTAIN TRALL Foods Pvt. Ltd." valued at Rs.2,60,000:

The total value of the goods is stated to be Rs.2,82,000.

4. The prosecution alleges that the accused persons, acting together with pre-planned intent, committed theft of the aforesaid goods from the truck, thereby dishonestly removing them from the lawful possession of the company. On this basis, the complaint came to be lodged.

5. Learned counsel for the applicant submitted that the applicant is falsely implicated. He argued that the applicant had no role in the alleged offence. The stolen goods have already been recovered at the instance of the co-accused. The applicant was not present at the scene at the relevant time. He further pointed out

that the co-accused have been released on regular bail by the learned Magistrate under Section 439 of the Code of Criminal Procedure, 1973. On these grounds, he sought protection in favour of the applicant under Section 438.

6. On the other hand, learned APP opposed the application. She drew attention to witness statements alleging that the applicant had sent photographs of the stolen goods for the purpose of selling them in the market. She submitted that photographs were found on the applicant's cell phone. The Call Detail Records further show that at the relevant time, i.e., around 2.00 a.m. on 31 July 2025, the applicant's mobile tower location was near the place of the incident. It also shows that the applicant was in contact with the co-accused before and after the incident. She, therefore, prayed for rejection of the anticipatory bail application.

7. I have considered the rival submissions and perused the case papers. The material collected during investigation prima facie indicates the complicity of the applicant. The statement of witnesses shows that the applicant had circulated photographs of the stolen goods for arranging their sale. The recovery of such photographs from the applicant's mobile phone cannot be lightly ignored.

8. The Call Detail Records further corroborate the prosecution case. They place the applicant near the scene of offence at the relevant time during the intervening night of 30 and 31 July 2025. The records also establish his communication with the co-accused immediately before and after the incident. These circumstances,

when taken together, create a strong nexus between the applicant and the crime alleged.

9. The contention of the applicant that co-accused have been granted regular bail does not advance his case. The role attributed to the present applicant is distinct. The material shows his active participation in facilitating disposal of stolen property. The principle of parity in grant of bail cannot apply when the allegations and circumstances stand on a different footing.

10. The nature of accusation, the quantum of loss, and the manner in which the crime was executed, disclose a well-planned conspiracy. The offence is serious, involving breach of trust in commercial transportation, and has wider ramifications. The investigation is still in progress and custodial interrogation of the applicant is necessary to unearth the larger conspiracy and trace the chain of disposal of stolen goods.

11. In these circumstances, no case is made out for grant of anticipatory bail. The application stands rejected.

(AMIT BORKAR, J.)