

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

**INTERIM APPLICATION NO. 2360 OF 2025
IN
CRIMINAL APPEAL NO. 131 OF 2025**

Aabid Hussain Afjal Hussain @ Aabid Shikari ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr. Mahendra N. Sandhyanshiv for Applicant.
Ms. Ranjana D. Humane, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 5 AUGUST 2025

PC :

1. This is an application for bail pending final disposal of the Criminal Appeal No.131 of 2025. The Applicant was the original Accused No.5 in Sessions Case No.117 of 2023 before the learned Additional Sessions Judge, Malegaon. There were in all five accused. The learned Judge, vide his Judgment and order dated 06.01.2025 convicted the original Accused Nos.3 to 5 for commission of the offence punishable U/s.25 r/w. 4 of the Arms Act and sentenced them to suffer R.I. for three years and six months each and to pay a fine of Rs.3000/- each and in default to suffer R.I. for six months each. The original Accused Nos.1 and 2

were sentenced to suffer R.I. for five years each.

2. Learned counsel for the applicant submitted that the Applicant had earlier filed the Interim Application No.1508 of 2025 in this Appeal along with the co-accused Toukir Khan and Iqbal Ahmed. However, because of his antecedents, he had withdrawn that application with liberty to file a fresh application by giving particulars of all the antecedents. The other accused Toukir and Iqbal were granted bail vide the order dated 20.06.2025 passed in I.A.No.1508 of 2025 by a coordinate bench of this Court.

3. Learned counsel submitted that the present interim application is filed by the applicant by giving the particulars of his antecedents. They are mentioned in paragraph-7 of this application, as follows:

- i) C.R.No. I 30558 of 2021, U/s.3 r/w.25 of the Arms Act, registered with Azadnagar police station, Malegaon.
- ii) C.R.No. II 120 of 2022, U/s.4 r/w.25 of the Arms Act, registered with City police station, Malegaon.
- iii) C.R.No.139 of 2023, under sections 395, 384,

363, 504 r/w.34 of the I.P.C., registered with Pawarwadi police station, Malegaon.

4. In all these offences the applicant was already granted bail. Learned counsel submitted that, as far as the present offence is concerned, his role is exactly similar to the co-accused Toukir and Iqbal. Therefore, on the parity he should be granted bail. Learned counsel submitted that out of three and half years of sentence, he has already undergone the sentence of two years and only one and a half year of his sentence has remained.

5. Learned APP submitted that, considering the antecedents, some conditions be imposed on him.

6. I have considered these submissions. The prosecution case is that on 06.08.2023, on prior information, the police officers apprehended about 9 to 10 persons. Some of them escaped, but five accused were arrested who had faced the trial. The allegations against the applicant and the accused Toukir are that they were having swords and accused Iqbal was having a knife. The other two accused were having firearms.

7. Thus, it is quite clear that the role attributed to the

present applicant is similar, in particular, to the role attributed to co-accused Toukir; who is granted bail. Therefore, on parity, the applicant deserves the same treatment. Moreover, out of the sentence of three and half years, he has already completed two years. The appeal is not likely to be decided within a remaining period of one and half years. The applicant is granted bail in earlier offences registered against him. Therefore, he can be granted bail during pendency of this appeal.

8. Hence, the following order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No.131 of 2025, the Applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.25000/- with one or two sureties in the like amount.
- ii) The Applicant shall report to Pawarwadi police station on first Sunday of every month between 4:00p.m. to 5:00p.m. till further orders.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)