



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

959 BAIL APPLICATION NO. 174 OF 2026 WITH
CRIMINAL APPLICATION NO. 676 OF 2026
IN BA/174/2026

Faizan Khan Abdul HaqApplicant

VERSUS

The State of MaharashtraRespondent

Mr. C. C. Deshpande, Advocate for Applicant.
Smt. R. R. Tandale, APP for the State.
Mr. S. A. Kulkarni, Advocate for the Informant.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 20th FEBRUARY, 2026.

PER COURT :

1. Learned Counsel Mr. Kulkarni seeks permission to assist learned APP.
2. Permission granted. Criminal Application No. 676/2026 stands allowed.
3. Applicant seeks regular bail in connection with Crime No. 0154/2025 registered with Deopur Police Station, District Dhule for the offences punishable under Sections 310-2, 61-2, 311 of Bharatiya Nyaya Sanhita and Section 3/25 of the Arms Act.

4. The case of prosecution is that informant is working with V. M. & Sons Jewellers Limited, Mumbai as a salesman since last four years. On 21.07.2025 at about 8.00 pm, informant along with one Rupabhai Modi left Mumbai by Yogesh Travels for Dhule. They were having 3000 gms gold ornaments with them. On 22.07.2025 they reached Dhule and left for Jalgaon where they sold approximately 500 to 600 gms gold ornaments. On the same day, they left Jalgaon and reached Dhule.

On 23.07.2025 at 11.00 they reached Shahada, sold approximately 800 to 100 gms gold ornaments. Thereafter, they left Shahada by State Transport Bus for Dhule with remaining gold ornaments weighing approximately 1200 to 1500 gms. When they reached Dhule, three persons riding on a motorcycle came there, two of them took out pistol and fired with an intention of inflict injury to the informant. One of them snatched the bag containing gold ornaments and cash amount of Rs. 70,000/- from the informant and they fled away. On the basis of these allegations, First Information Report came to be lodged.

5. Learned Counsel for the Applicant submits that the Applicant is falsely implicated in the crime. First Information Report is lodged against unknown persons. There are no criminal antecedents against the Applicant. It is further submitted that the Applicant is not identified in the Test Identification Parade conducted by the investigating authority. Infact, the co-accused had hired the vehicle and the Applicant was working as the driver and the Applicant himself has handed over the bag kept in the car by the co-accused to the investigating authority. Investigation in the crime is complete and charge-sheet is filed. Applicant is behind the bars since 24.10.2025. Nothing is to be recovered from the Applicant. Hence, prayed to enlarge the Applicant on bail.

6. Per contra, learned APP and learned Counsel for Informant vehemently opposed the application. It is submitted that the present Applicant is the driver of the vehicle involved in the crime which prima facie indicates complicity of the Applicant in the crime. Further, 113 gms gold articles are seized from the possession of the Applicant. The recovered articles are identified by the informant. As such, it is evident that the Applicant was actively involved in the crime. It is further stated that the Applicant is resident of Uttar

Pradesh and thus there is every possibility of Applicant evading the trial. Hence, prayed to reject the application.

7. Upon considering submissions of both sides and on perusal of the record, including charge-sheet, it is evident that initially, the First Information Report was lodged against unknown persons. The present Applicant came to be identified and arrested on the basis of CCTV footage. Furthermore, pistol, masks, handkerchiefs and other stolen articles are recovered at the instance of the present Applicant as well as the co-accused. 113 gms of gold is also recovered at the instance of the present Applicant which was identified by the informant. Thus, there is, prima facie, over whelming material collected by the Investigating Officer against the present Applicant.

8. Apart from aforestated circumstances, the Applicant is involved in a serious offence of robbery and has even fired gun shots towards the informant. Moreover, the Applicant is a resident of Uttar Pradesh and currently claims to be residing in Mumbai. Since the trial is yet to commence, and the primary witnesses are to be examined, the possibility of Applicant evading trial and tampering prosecution evidence cannot be ruled out.

9. In view of the aforesaid observations, I am not inclined to exercise discretion in favour of the Applicant.

10. Hence, the application is rejected.

(SACHIN S. DESHMUKH, J.)

dyb