



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 120 OF 2026

SHAIKH SHAFI ALIAS SHAFI BUILDER SHAIKH MOIN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Prashant P. Giri
APP for Respondent : Mr. G. O. Wattamwar
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 10-02-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.0672 of 2025 dated 14.07.2025 registered with Nanded Rural Police Station, Taluka and District Nanded, for the offences punishable under Sections 331(3), 331(4), 305, 317(2), 327(4) of the *Bharatiya Nyaya Sanhita, 2023* (Sections 454, 457, 380, 411 and 413 of the Indian Penal Code). In the said crime, the applicant is arrested on 14.09.2025.

2. The prosecution case is that a theft occurred at the residence of Dr. Alkrita Vashishta and Dr. Dhananjay Bansal, initially reported as a loss of Rs.1,75,000 but later updated via supplementary statements on 23.07.2025 to a total of Rs.35,31,000 in cash and gold. On 14.09.2025, acting on a tip-off, the Investigating Officer intercepted the applicant and two co-accused in a Brezza car (MH-26/BC-8440), discovering unaccounted-for cash and gold ornaments. With the total seizure

valued at approximately ₹35,00,000, the prosecution contends this property is directly linked to the theft at the Bansal residence.

3. The learned counsel for the applicant submits that false implication based on criminal antecedents rather than substantive evidence. The prosecution's case is afterthought, highlighting an unexplained delay in recording supplementary statements until 23.07.2025 and a significant time gap before the alleged recovery on 15.09.2025. The investigation is purportedly weakened by the absence of CCTV footage from the high-security locality and the failure to examine domestic staff. Furthermore, the recovery of silver articles via a co-accused's memorandum is legally inadmissible against applicant. Given that the chargesheet is filed, the offences are triable by a Magistrate, and a similarly situated co-accused has been granted bail, the applicant also seeks parity.

4. The learned A.P.P. has opposed the application that the applicant is a habitual offender with nine criminal antecedents and a clear modus operandi in housebreaking. The prosecution emphasizes that the applicant was found in joint possession of a significant quantity of stolen ornaments and currency, for which he offered no lawful explanation. This recovery is corroborated by the voluntary disclosures of co-accused Aamir, which led to the seizure of the iron rod used in the offence. The applicant's history of recidivism and the gravity of the direct recoveries, the prosecution contends that his release poses a risk of absconding or committing

further crimes, necessitating continued detention to ensure public safety and a fair trial.

5. Having heard the respective counsel from both the sides and upon perusal of the material on record, indicates that the investigation in the present crime is complete and the chargesheet has already been filed. The applicant's custodial presence is no longer required for interrogation. Moreover, the co-accused Mirza has been granted anticipatory bail and co-accused Nandkishor has been released by the learned Magistrate.

6. As observed by the Hon'ble Supreme Court in ***Prabhakar Tewari vs. State of UP, (2020) 11 SCC 648***, the mere existence of previous criminal cases is not a sufficient or solitary ground to deny bail if the facts of the case otherwise warrant release. Moreover, all the offences are triable by the Magistrate, carrying no punishment of death or life imprisonment. Therefore, keeping the applicant in further custody would serve no fruitful purpose and would amount to pre-trial punishment.

7. Nevertheless, the investigation is complete for all intents and purposes. Considering the number of witnesses the prosecution seeks to examine, the trial is unlikely to conclude within a reasonable period. The apprehension expressed by the learned A.P.P. regarding the applicant's antecedents and the risk of habitual relapse into crime, can be effectively taken care of by imposing stringent conditions.

8. Hence, the order:-

ORDER

- (i) The bail application is allowed.
- (ii) Applicant, Shaikh Shafi @ Shafi Builder Shaikh Moin, be released on bail, upon furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand), with one or two local solvent sureties, in the like amount, in connection with Crime No.0672 of 2025 dated 14.07.2025 registered with Nanded Rural Police Station, Taluka and District Nanded, for the offences punishable under Sections 331(3), 331(4), 305, 317(2), 327(4) of the *Bharatiya Nyaya Sanhita, 2023* (Sections 454, 457, 380, 411 and 413 of the Indian Penal Code), on the following conditions:-
 - (a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
 - (c) The applicant shall submit Aadhar of Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]