



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 381 OF 2026

Shaikh Asif s/o Shaikh Chotumiya
Age 32 years, Occ. Labour,
R/o. Sunegaon, Tq. Loha, Dist.
Nanded.

... Applicant

VERSUS

The State of Maharashtra

... Respondent.

...
Advocate for Applicant : Mr. Abhaysinh K. Bhosle
A.P.P. for Respondent/State : Mr. C. V. Bhadane

CORAM : SHAILESH P BRAHME, J.

DATE : 09.04.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No. 154/2020, registered with Loha Police Station, District Nanded, for the offences punishable under Sections 363, 364A, 349, 120B, 324, 323, 504, 506, 34 of Bharatiya Nyaya Sanhita, 2023, under Sections 3(1)(ii). 3(4) of the Maharashtra Control of Organised Crime Act (MCOCA), 1999.

3. The applicant was arrested on 10.10.2020 in pursuance of the report lodged on 06.08.2020. It is alleged that minor son of Shubham was kidnapped on 05.08.2020 for ransom. Threats were given by phone call for payments. Later on Shubham was traced. No payment was parted to the accused.

4. Learned counsel for the applicant submits that there is no direct evidence against the applicant. The statement of Shubham shows

incriminating role was played by co-accused Vikas, who was having a desi maid pistol. No specific role was attributed to the applicant. The antecedent pitted against the applicant is only that of Crime No. 64/2017 under Section 457 and 380 of the Indian Penal Code.

5. Per contra, learned A.P.P. submits that charge is already framed and five witnesses have been examined by the prosecution. Two minor Shubham and Vijay were reported to be kidnapped by the gang of which the applicant was a member. The criminal antecedents of the members of the gang led to application of provisions of MCOCA Act. The applicant and others have established a terror. The involvement of the applicant is serious.

6. Its a case of abduction for ransom. Shubham was abducted on 05.08.2020. He was traced by intervention of the police on 09.08.2020. Instead of paying anything to accused, a successful trap was led in apprehending the applicant. No serious injuries were caused to minor.

7. The statement of Shubham shows that main role was played by co-accused Vikas who was having a pistol. The mastermind appears to be Vikas. The applicant is behind bars since 10.10.2020. Only five witnesses are examined out of 33. Only one antecedent besides the present offence is recorded against him. It is desirable to release the applicant on bail.

8. The Bail Application is allowed.

9. The applicant shall be released on bail in connection with Crime No. 154/2020, registered with Loha Police Station, District Nanded, for the offences punishable under Sections 363, 364(A), 349, 120B, 324, 323, 504, 506, 34 of Bharatiya Nyaya Sanhita, 2023, under Sections 3(1)(ii). 3(4) of the Maharashtra Control of Organised Crime Act (MCOCA), 1999 on following conditions:

(a) The applicant shall furnish P.R. bond of Rs.

40,000/- (Rs. Fourty Thousand only) with one solvent surety of like amount.

(b) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(c) The applicant shall stay away from entire Taluka Loha District Nanded, till conclusion of the trial and report his whereabouts and contact number to the investigating officer.

(c) The applicant shall cooperate for expeditious disposal of the trial and attend the dates punctually.

(f) The applicant shall surrender his Aadhar Card and PAN Card to the investigating officer.

10. Bail application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-