



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

ANTICIPATORY BAIL APPLICATION NO. 522 OF 2026

TOFIK BADDRUDDIN SHAIKH

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Ameya N. Sabnis

APP for Respondents/State : Mr. S. A. Gaikwad

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CORAM : MEHROZ K. PATHAN, J.

DATE : 27th APRIL 2026

ORDER :

1. Heard the learned Counsel for the Applicant and the learned APP for the Respondent/State.
2. The Applicant has approached this Court, seeking anticipatory bail application in connection with Crime No. 513/2024 registered with Pachod Police Station, District Chhatrapati Sambhajinagar for the offences punishable under Sections 140(2), 115(2), 352, 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3, 25 of the Arms Act.
3. The case of the prosecution is that the Applicant is arrayed as an accused in Crime No. 513/2024. The prosecution alleges that the Informant, who was working as a tile fitter, was called by one Rutik on 25.12.2024 under the pretext of visiting a site for tile fitting work. When the Complainant approached the spot to meet Rutik

Dhaykar, he was abducted and forced to sit on a motorcycle. The Complainant was then assaulted at gunpoint, and a demand of Rs.3,00,000 was made for his release. The accused persons also demanded the password of the Complainant's mobile phone and, under threat, transferred Rs. 10,700/- and Rs. 3000/- into their accounts. An amount of Rs.40,000 was forcibly made to handover to a person known to the accused persons. The Complainant specifically named the accused persons, Rutik Dhaykar, Altaf Pathan, Mukund Mali, Sachdev, and others. Thus, a total amount of Rs.53,700 was extorted by kidnapping and threatening the Complainant.

4. The learned Counsel for the Applicant submits that the Applicant is wrongly implicated in the present crime. The Applicant is added as an accused solely on the basis of the statement of a co-accused, which is not admissible as evidence. The charge-sheet was filed on 19.02.2025, and the case has been registered as RCC No. 46/2025. The arrested accused have already been released on bail by this Court vide order dated 23.06.2025 passed in B.A. No. 760/2025. Furthermore, one of the co-accused, against whom identical allegations were made in the present crime, was granted anticipatory bail in ABA No. 1794/2025 by order dated 13.01.2026. The Applicant is not named in the FIR and is also attributed the identical role of assisting the accused persons. The Applicant thus seeks protection by applying the principles of parity. The Applicant is not having any criminal antecedents. The Applicant is ready to abide by any conditions that may be imposed by this Court. Hence the

Applicant may be released on anticipatory bail.

5. As against this, the learned APP Mr. Gaikwad, strongly opposes the present application on the ground that the Applicant is involved in a serious offence under Section 140(2) of the BNS, namely kidnapping for ransom, which is punishable with death or life imprisonment. It is submitted that there is ample evidence to bring home the guilt of the Applicant in the present crime, including the statements of accused no.1 Rutik Dhaykar and accused no.2 Altaf Pathan, which are corroborated by the account statements of Altaf Pathan. The statements of witnesses Laghu Goswami and Sakhrullah Mansoori directly implicates the Applicant to have played an identical role of threatening and assisting the other accused persons in extorting money from the said witnesses earlier. The account statements of the Applicant also show transfers of amounts from the main accused Altaf Pathan, who is alleged to have committed the said crime with the assistance of the Applicant. It is further submitted that if the Applicant is released on bail, he may again commit offences of a similar nature. The Applicant also has one criminal antecedent under the Atrocities Act registered against him. Hence the Applicant may not be released on bail.

. The learned APP further submits that one of the accused, Sandesh Dhaykar, who was released on bail by this Court, is again involved in an identical offence of robbery, voluntarily causing grievous hurt, and other offences under the BNS, along with Sections 3 and 25 of the Arms Act, registered as Crime No. 86/2026. The

other accused persons are also criminal history sheeters. If the Applicant is released on bail, he may again indulge in offences of a similar nature in association with the gang involved in the present crime. The application is therefore liable to be rejected.

6. I have gone through the investigation papers made available by the learned APP. A perusal of the case papers shows the involvement of the Applicant in the serious offence of kidnapping for ransom, by putting the victim in danger of being murdered, which is punishable with death or life imprisonment. There are direct allegations against the arrested accused persons, Altaf and Rutik, of having fired from a weapon and of forcibly transferring money from the mobile phone of the Complainant. The said accused, Rutik @ Sandesh and Altaf, were arrested during the investigation of the present crime, wherein they revealed the name of the present Applicant as one of their associates who had assisted them in committing the offence of kidnapping, assault, wrongful confinement, and extortion threats, while the Complainant/Khiladi, was in their custody. It is further alleged that the Applicant, along with accused Salman, provided information by standing on a bridge and giving location details to the main accused persons.

. The investigation papers contain the statements of Laghu Goswami and Sakhrullah Mansoori, who have stated the role of the present Applicant in threatening the said witnesses in the village and associating with the main accused, Rutwik and Altaf, in committing identical crimes of kidnapping and extorting money. The account

statement of Altaf Pathan reflects entries of amounts transferred in the name of the present Applicant after extorting money from the witnesses, Laghu Goswami and Sakhrullah Mansoori, as alleged in their statements. Thus, apart from the statements of co-accused Rutwik Dhykar and Altaf Pathan regarding the role of the present Applicant in the said crime, there is additional material which lends credence to the prosecution's case about the involvement of the present Applicant in the offence.

7. The Hon'ble Supreme Court in the case of the **State of Haryana Vs. Samarth Kumar**, 2022 LiveLaw (SC) 622, was pleased to hold as under :

4. *The High Court decided to grant pre-arrest bail to the respondents on the only ground that no recovery was effected from the respondents and that they had been implicated only on the basis of the disclosure statement of the main accused Dinesh Kumar. Therefore, reliance was placed by the High Court in the majority judgment of this Court in Tofan Singh vs. State of Tamil Nadu reported in (2021) 4 SCC 1.*

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8. *In cases of this nature, the respondents may be able to take advantage of the decision in Tofan Singh vs. State of Tamil Nadu (supra), perhaps at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial.*

9. *To grant anticipatory bail in a case of this nature is not really warranted. Therefore, we are of the view that the High Court fell into an error in granting anticipatory bail to the respondents.*

8. The Applicant has claimed parity on the basis of bail granted to the co-accused Salman, who is allegedly similarly placed. However, on considering the order dated 13.01.2026 passed by this Court in ABA No. 1794/2025, it could be seen that the only ground on which Salman was released was that his role was revealed solely from the statements of the arrested co-accused Altaf Pathan and Rutik Dhaykar. No additional evidence was discussed by this Court at that stage. A perusal of the investigation papers in the present case shows that there is additional evidence in the form of statements of witnesses Laghu Goswami and Sakhrullah Mansoori, who have directly named the present Applicant as one of the associates of the main accused Altaf Pathan and Rutik Dhaykar, who had earlier committed identical offences of kidnapping for ransom extortion and robbery against them. However, because of the criminal antecedents of all the accused persons, including the Applicant, no formal report was lodged by the said witnesses at that time. The other additional evidence is the account statement of Altaf Pathan, which shows transfer of amounts to the account of the present Applicant, corroborating the allegations of extortion made by witnesses Laghu Goswami and Sakhrullah Mansoori and the involvement of the Applicant with the other co-accused. Thus, there is additional material against the Applicant, who also has one criminal antecedent under the Atrocities Act. It is further noted that accused no.1/Rutik Dhaykar, who was released on regular bail by this Court, has again been found involved in an identical case of robbery. There are offences registered against other co-accused. Therefore, there is every

likelihood that the Applicant, if released on bail, may again commit offences of a similar nature.

9. Taking into consideration the nature of the allegations against the present Applicant and the statements of the relevant witnesses, as Laghu Goswami and Sakhrullah Mansoori and the relevant entries showing transfer of extorted money by co-accused Altaf Pathan to the Applicant. It appears from the investigation papers that there is additional material against the Applicant to bring home his guilt. The Applicant has failed to make out any case for interference by this Court in exercising discretion under Section 482 of the BNSS. I am not inclined to release the present Applicant on anticipatory bail. The application is devoid of substance and merits, and is therefore liable to be rejected. Accordingly, the application for grant of anticipatory bail stands rejected..

MEHROZ K. PATHAN
JUDGE