IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 870 OF 2026

Arif A. Rashid Bagwan,
Age : 47 Years, Occu. : Labour,
R/o Dattanagar, Station Road,
A/p Modnib, Tq. Madha,
Dist. Solapur. .. Applicant

Versus

The State of Maharashtra and another .. Respondents

Shri Sajid Ahmad Bagwan, Advocate i/by Shri Pritesh A. Kharade, Advocate for the Applicant.
Mrs. Dr. Ashvini A. Takalkar, A.P.P. for the Respondent Nos. 1 and 2.
Shri Vinod Wakade, Police Inspector, A.T.S. Solapur Unit (Investigating Officer.

CORAM : SHAILESH P. BRAHME, J.
DATE : 04TH NOVEMBER, 2026.

ORDER :

. Heard both sides.

2. The applicant is seeking bail in respect of offence bearing Crime No. 03/2026, registered with A.T.S. Kala Chowki Police Station, Mumbai, for the offences punishable under Sections 316(5), 318(4), 318(2), 3(5), 61(2), 238 and 241 of the Bharitya Nyaya Sanhita, 2023 and U/Sec. 66 of the Income Tax Act, 2000. He is behind bars since 10.05.2026. The charge sheet is filed on

08.07.2026 against total four persons.

3. Secrete information was received by the Officers from A.T.S. that Ul Halimi Foundation Barshi has been registered unauthorizedly as a trust and its extracting huge funds from various persons. It is further alleged that the trust in question has taken undue benefit of exemption from Income Tax Department. The office bearers including the applicant are alleged to have been luring the victims to pay the donations.

4. Learned counsel for the applicant submits that his client is Vice Chairman. The co-accused Aslam Latif Shaikh, who is the Secretary and Ansar Rafik Pathan, who is Chairman were granted pre-arrest protection by reasoned order passed by this Court on 28.07.2026, which is placed on record. On the ground of parity applicant is seeking enlargement on bail.

5. Application is contested by the learned A.P.P. It is submitted that the offence is serious in nature. The applicant is instrumental along with co-accused in inducing the victims to pay the donations. The incriminating material has been collected against him.

6. No antecedents are reported against the applicant. The co-accused Aslam Latif Shaikh and Ansar Rafik Pathan were granted pre-arrest protection by common order dated 28.07.2026 passed by Coordinate Bench. I have carefully gone through the

reasoned order. The entity Ul Halimi Foundation has filed income tax returns for the years 2023-2024, 2024-2025 and 2025-2026 and secured some income tax exemption. It would be very difficulty at this stage of the proceedings to conclude that there is overt act on the part of the applicant and the co-accused in seeking exemption. Role attributed to the applicant and the co-accused who are granted protection is identical. The ground of parity is rightly pressed into service by the learned counsel for the applicant. I find that further detention of the applicant is not required. Hence, I pass the following order :

O R D E R

(i) Bail Application is allowed.

(ii) Applicant - Arif A. Rashid Bagwan shall be released on bail in Crime No. 03/2026, registered with A.T.S. Kala Chowki Police Station, Mumbai, for the offences punishable under Sections 316(5), 318(4), 318(2), 3(5), 61(2), 238 and 241 of the Bharitya Nyaya Sanhita, 2023 and U/Sec. 66 of the Income Tax Act, 2000 on furnishing P. R. bond in sum of Rs. 50,000/- (Rs. Fifty thousands only) with one or more solvent sureties of like amount on the following conditions :

(a) The applicant shall not tamper with the prosecution evidence and contact the prosecution witnesses.

(b) The applicant shall furnish contact number of himself or his close relative / friend to the Investigating Officer.

(c) The applicant shall inform his whereabouts, address and contact numbers to the Investigating Officer.

(e) The applicant shall surrender his Aadhar Card and PAN Card to the Investigating Officer, if any.

(d) The applicant shall not move out of jurisdiction without intimation to the Investigating Officer.

(e) The applicant shall co-operate for expeditious disposal of the trial and attend the dates punctually.

(iii) Bail application is disposed of accordingly.

[SHAILESH P. BRAHME J.]

bsb/Nov. 26