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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3711 OF 2026

Tabish Asgar Ali .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. Bharatkumar Nukte, Advocate for Applicant
- Ms. Rajeshree V. Newton, APP for State
- PI- Mr. Anand G. Kamble, Panvel Taluka Police Station

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 7, 2026

P. C.:

1. Heard Mr. Nukte, learned Advocate for Applicant and Ms. Newton, learned APP for State.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with C.R. No. 51 of 2026 registered with Panvel Taluka Police Station, District Raigad for offences punishable under Sections 318(4), 336(3), 338 and 340 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short "**BNS**") and Sections 43, 66-C and 66-D of the Information Technology Act, 2000.

3. Applicant is arrested and indicted as accused No. 2 in the present crime. The role of the Applicant as seen from the statement in the FIR appended at page No. 33, *prima facie* shows that in view

of his ability and knowledge, Applicant has created IP addresses on the CRS portal and handed over the details of the same along with the passwords to accused No. 1 and both of them have generated 128 birth certificates on the basis of the said IP addresses from SP Hot Desire Web Services Private Limited.

4. It is *prima facie* seen that the said residential proxy was in fact purchased by accused No. 1 which is seen while depicting the role of the present accused No. 2 in the present crime. Considering the role of the Applicant, degree of his ability and knowledge and his role having been aligned with accused No. 1 who was instrumental in generating the birth certificates in question and the young age of the Applicant, I am inclined to consider the Applicant's case for grant of bail.

5. Considering Applicant's age, if he is enlarged on bail Court is hopeful that his family will undoubtedly do their duty to make every effort and attempt to reform and aid the Applicant in leading a reformed life while on bail rather than keep him in prison and expose him to criminal outlook and life in prison. However on the flip side, if a chance is given to the Applicant because of his young age by enlarging him on bail, there is a possibility that he will be remorseful and repent in retrospect. This is a chance required to be taken by the

Court because punishment has to be believed to be inflicted for a reformative result rather than being punitive in nature.

6. Undoubtedly the trial will determine the complicity of Applicant in the offence. While considering Bail Application in such facts, Court feels that reform and rehabilitation of the under trial accused needs to be considered especially when age of the accused person is young so that he gets an opportunity / or is given an opportunity to reform, rehabilitate and earn his livelihood honorably from the perspective of social integration. This is a chance which the Court must take considering the young age of accused person. The age of the Applicant is very young. If the Applicant is incarcerated in prison further, there is every possibility that he might lose faith in the institution and society at large and may tread the path of criminality or would waste his life. Incarceration in prison exposes many youth to abuse as is shown statistically.

7. There are several harms of incarceration which are inflicted disproportionately on the youth. This is the reason why Court feels that any / every semblance of a chance towards a reformative approach in punishment should be adopted, especially in the case of young offenders. Hence every opportunity or to that extent risk should be constructively taken by the Court in the case of young offenders – accused before committing such accused to further custody and give

such accused an opportunity to become a good citizen in the Society. These observations are only in the view of the young age of the Applicant before me and it is only a means to explore an alternative to incarceration so that the Applicant can become a good citizen.

8. Applicant is incarcerated for more six months. Hence, in view of my aforesaid prima facie observations, Bail Application is allowed subject to the following conditions:-

(i) Applicant is directed to be immediately released on bail from prison in connection with C.R. No. 51 of 2026;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 10,000/- (Rs. Ten Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at Panvel Taluka Police Station, once every month on the first Sunday of the month between 10:00 a.m. to 12:00 p.m.;

(iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if he does so it will entitle the prosecution to apply for revocation of this order;

(v) Applicant shall not leave the State of Maharashtra

without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time, as applicable; and

(viii) Any infraction of the conditions shall entail cancellation of bail granted to the Applicant.

9. Needless to state that the above observations will not come in the way of trial as they are *prima facie* in nature based on the submissions made and the material placed before this Court.

10. Bail Application is allowed and disposed of in the above terms.

[MILIND N. JADHAV, J.]

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RAVINDRA MOHAN AMBERKAR

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