

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3428 OF 2024**

Parmendra @ Gauravsing Rajendra SinhaApplicant

Versus

State Of MaharashtraRespondent

Mr. Akshay Bankapur, Advocate for the Applicant.

Mr. S. S. Pednekar, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd FEBRUARY, 2026.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. Learned APP tendered short submissions. It is taken on record.
3. By this application, the applicant is seeking regular bail in Crime No. 411 of 2019 registered with Ambad Police Station, District Nashik, for the offence punishable under Sections 396, 120(B) of Indian Penal Code, 1860 (for short "IPC"), Sections 3 and 25 of the Arms Act, Sections 3(1)(i)(ii), 3(2), 3(3) and 3(4) of Maharashtra Control of Organised Crime Act, 1999 (for short "MCOC Act").
4. It is prosecution's case that on 14.06.2019, at about 11:30 a.m. to 11:45 a.m., the applicant and co-accused entered in office of Muthoot

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Finance with firearms and committed dacoity and looted gold. When one employee resisted the act of applicant and co-accused, they fired gunshots in the air. It is alleged that the applicant fired at the employee, who resisted dacoity and thereby murdered him.

5. It is contention of learned counsel for the applicant that applicant came to be arrested on 25.06.2019 and Test Identification Parade of applicant was conducted on 05.09.2019. There is unexplained delay of two months for conducting Test Identification Parade of the applicant. The applicant is behind bars for around six years and seven months. There is no progress in the trial as only one witness has been examined till date. The applicant is entitled for bail on the ground of long incarceration. He has placed reliance on *(i) Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari Vs. State of Uttar Pradesh*¹; *(ii) Javed Gulam Nabi Shaikh Vs. State of Maharashtra and Anr.*²; *(iii) Mohd. Muslim @ Hussain Vs. State (NCT of Delhi)*³; *(iv) Union of India Vs. K.A.Najeeb*⁴; *(v) V. Senthil Balaji Vs. The Deputy Director, Directorate of Enforcement*⁵; *(vi) Manish Sisodia Vs. Directorate of Enforcement*⁶.

6. It is contention of learned APP that provisions of MCOC Act are applied against the applicant. There is recovery of firearm at the hands of

¹ (2024) 7 SCR 1054 : INSC 534

² (2024) 7 SCR 992 : 2024 INSC 645

³ (2023) 3 SCR 697

⁴ (2021) 1 SCR 443

⁵ (2024) 10 SCR 393 : 2024 INSC 739

⁶ (2024) 8 SCR 1061 : 2024 INSC 595

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applicant under memorandum panchanama. The seized firearm was sent to chemical analysis. Upon testing, the bullet fired from seized firearm, were found to match the bullets recovered from the spot and from the body of the deceased. The applicant has three criminal antecedents. The entire incident is captured in CCTV footage. The applicant is identified in Test Identification Parade. The confessional statement under Section 18 of MCOCA Act specifically states about the role played by the applicant. The applicant murdered the employee who resisted the dacoity. The trial of the case is delayed due to non cooperation of the applicant and co-accused. If the applicant is released on bail, he may abscond or may threaten prosecution witnesses and requested to reject the application.

7. I have heard both the learned counsel. Perused chargesheet and documents produced on record. The facts of above cited judgments are clearly distinguishable from the present case. In present case the allegations against the applicant are that he murdered the employee of Muthoot Finance by firing at him. The incident is captured in CCTV footage. The applicant has been identified in Test Identification Parade by the eye witnesses. Delay in test identification parade cannot be ground for bail. The incident happened in broad daylight. The applicant has three criminal antecedents. The applicant's statement under Section 18 of MCOCA Act is recorded, where he has stated about his act. Bullets fired

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from seized firearm which is recovered at the instance of the applicant, matches with bullets recovered from the spot and body of the deceased. The act committed by the applicant is very serious, involving dacoity with murder of an employee who was discharging his duty. There is direct and substantial evidence against the applicant. The punishment provided for the offence is capital punishment. Moreover, the trial is delayed due to non cooperation of the applicant and co-accused. Therefore, the ratio laid down in cited judgments does not apply to the facts of the present case and the applicant is not entitled for bail on the ground of prolonged incarceration and I pass following order.

ORDER

- (i) The application is rejected.

(SHIVKUMAR DIGE, J.)