

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3639 OF 2024

Firoz Shamim Ahmed Khan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Zaid Anwar Qureshi, Advocate for Applicant.

Ms. Veera S. Shinde, APP for Respondent-State.

Mr. Sanjeev Kadam, Senior Advocate along with Mr. Sachin Pawar,
Advocate for the Intervenor.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th FEBRUARY, 2026.

P.C. :

1. The applicant is seeking regular bail in C.R.No. 548 of 2022 registered with Chinchwad Police Station, District -Pune, for the offences punishable under Sections 115, 120-B, 307, 341, 392, 143, 144, 147, 148, 149, 504, 506(2), 465, 468, 471 and 201 of Indian Penal Code, 1860, Sections 3 and 25 of the Arms Act, Sections 3 and 7 of Criminal Law Amendment Act and Sections 3(1)(ii) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (for short "the MCOCA").

2. It is prosecution's case that on 6th December 2022 at around 5:30 pm, accused No.1-Shahrukh Shaikh and two unknown persons came in front of the house of the first informant and threatened him as to why his brother's name was implicated in the crime and abused him. One

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person, who was possessing pistol, slapped Kiran Hiwale (tenant of first informant) and forced him to switch off the CCTV camera of his shop. Those three accused abused and scuffled with the first informant and one of them fired shot from pistol in the air. Thereafter, accused No.3-Farukh Shaikh came to the spot and co-accused person again fired from the pistol near public toilet and fled from the incident spot in the autorikshaw. The first informant identified one person viz. co-accused-Shahrukh Shaikh. The allegation against the applicant is that he helped to procure the pistol used in commission of crime.

3. It is contention of the learned counsel for the applicant that the applicant is behind bars for almost 3 years and 1 month, yet there is no progress in the trial. The allegations against the applicant are that the pistol used in the crime was procured through the applicant. The co-accused-Sagar Malik, having serious allegations, has been released on bail, hence, the applicant is entitled to bail on the principle of parity and requested to allow the application.

4. It is contention of the learned APP that the applicant helped to procure the pistol used in the crime and he received an amount for the said transaction. It shows his involvement in the crime. If the applicant is released on bail, he may abscond or threaten the prosecution witnesses and requested to reject the application.

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5. I have heard both counsel, perused the charge-sheet and documents produced on record. The allegation against the applicant is that he helped the co-accused to procure the pistol which was used in the commission of the crime. The applicant has not participated in the crime nor was he present at the incident spot. The co-accused- Sagar Malik, having serious allegations, has been released on bail. Considering these facts, the applicant is entitled to bail on the principle of parity. The applicant has no antecedents. Considering these facts, I pass the following order:

ORDER

- (i) The applicant be enlarged on bail in C.R.No. 548 of 2022 registered with Chinchwad Police Station, District -Pune, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station as and when required.
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

The application is allowed in the aforesaid terms and is accordingly disposed of.

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6. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)