

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.1214 OF 2025

Riyaz Abdul Rehman Shikilkar

Age : 39 years, Occ : Nil

R/o : 47/1, Abdulla Godiwala Chawl,

Gulzar Gali, Navpada, Bandra (E), Mumbai.

Presently lodged in Thane Central Prison

... Appellant

vs.

1. National Investigation Agency

(At the instance of Naupada

Thane Police station later

investigation taken over by NIA)

2. The State of Maharashtra

... Respondents

Mr. Hasnain Kazi a/w Ms. Shraddha Wavhal, Ms. Simran Shaikh for the Appellant.

Mr. Chintan Shah for Respondent-NIA.

Mr. Vinod Chate , APP for the Respondent-State.

Ms Shipra Singh, PI, NIA Mumbai, present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

RESERVED ON : 16th FEBRUARY 2026

PRONOUNCED ON : 23rd FEBRUARY, 2026

JUDGMENT : (PER SHYAM C. CHANDAK, J.)

1) This Appeal is by Original Accused No.1 under Section 21(4) of the National Investigating Agency Act, 2008 (for short 'NIA Act') read with Section 43D of the Unlawful Activities (Prevention) Act, 1967 (for short

'UAPA'), seeks quashing and setting aside of the impugned Order dated 2nd September 2024, passed by the learned Special Judge, City Civil and Sessions Court, Greater Mumbai, in Special Case No.329 of 2023, under Sections 489(A), 489(B), 489(C) read with 34 and 120B of the Indian Penal Code (for short 'I.P.C.') and under Section 15(1)(a)(iiia), 16 & 18 of the UAPA, for his release on bail in the said case during the pendency of trial.

2) The prosecution case is that, based on secret information, on 17th November, 2021 at about 15.00 hours, near Ganesh Talkies, Sai Mandir, Charai, Naupada, Thane (West), Officers of Naupada Police Station detained the Appellant and during his personal search in the presence of panch witnesses, 149 counterfeit Indian currency notes of Rs.2000 denomination, having face value of Rs.2,98,000/- and some other articles were seized. Thereafter, Appellant was taken to Naupada Police Station where FIR was registered *vide* Cr. R. No.340/2021 under Section 489(C) of IPC, on the basis of the complaint of Pramod M. Jadhav, HC No.3203, attached to Central Crime Br. Thane City and the Appellant was arrested. Investigation revealed that the Appellant and Accused No.2 Nasir Usmangani Chaudhary ('A-2') used to receive instructions on WhatsApp call from Mobile No. +60146950130 belonging to one person named 'Uncle'. The A-2 used to be in contact with the Appellant. Said person 'Uncle' is Javed Chikna @ Javed Patel, a designated individual terrorist as per Fourth Schedule of UAPA. That, both the accused and said Javed Chikna @ Javed

Patel conspired and printed the said high quality FICNs of Rs.2,000/- denomination with an intent to traffic, circulate and use the same in open market to damage the economy of India. On examination, the Nashik Press, Maharashtra confirmed that, the seized currency are high quality FICNs and issued the report accordingly. After completion of investigation, charge-sheet came to be filed against both accused on 6th April, 2022. Accused No.3 Mohd. Fayaaz Shikilkar, was also found involved in the crime and therefore supplementary charge-sheet was filed in the case.

3) Mr. Hasnain Kazi, the learned counsel for the Appellant submitted that, the A-2 has been released on bail on the ground of long incarceration pending the trial. The prosecution will examine large number of witnesses. As such, the trial is not likely to be over in the near future. Therefore, the Appellant may be released on bail on the ground of parity.

4) Per contra, Mr. Chintan Shah, the learned Spl. P. P. appearing for the Respondent No.1 strongly opposed the Appeal. He submitted that, there is ample evidence against the Appellant showing his involvement in the crime. The Appellant was connected with the wanted accused namely 'Uncle' @ Javed Chikna @ Javed Patel, a designated individual terrorist as per Fourth Schedule of UAPA. This offence was committed to damage the nation's economy. Therefore bail may be refused.

5) It is an admitted fact that, the Appellant is behind bars for more than four years and still the trial is going on. During police custody,

one High Quality FICN of Rs.2000/-denomination was recovered from the A-2 which was allegedly sent to him by said 'Uncle' @ Javed Patel @ Javed Chikna. The A-2 has been directed to be released on bail by the Judgment dated 10th February 2026, predominantly on the ground of prolonged incarceration pending trial. The reasons for the release of A-2 have been elaborately stated in the said Judgment. As submitted by the learned Spl.PP, the prosecution will examine 60 more witnesses in this case. This will certainly take a year or two to complete. The Appellant is similarly situated as A-2 on the point of prolonged incarceration without trial. In view thereof, the Appellant is entitled to be released on bail applying the principle of parity.

6) Hence, the following Order :-

(a) The impugned Order dated 2nd September, 2024 passed below Exh. 37 in Special Case No. 329 of 2023 by the learned Special Judge, City Civil & Sessions Court, Greater Mumbai, is quashed and set-aside.

(b) The Appellant be enlarged on bail, on his executing PR bond in the sum of Rs.1,00,000/- with one or more solvent local sureties in the like amount, to the satisfaction of the learned Special Court.

(c) After his release from jail, the Appellant shall report to the office of the National Investigating Agency, Mumbai (Respondent No. 1), on the first Saturday of every month between 10:00 a.m. to 12:00 noon, till the conclusion of the trial.

(d) The Appellant shall not, either himself or through any other person, tamper with the prosecution evidence and give threats or inducement to any of the prosecution witnesses.

(e) The Appellant shall not leave the jurisdiction of the trial court without the prior permission of the trial court, till the conclusion of the trial.

(f) The Appellant shall surrender his passport, if any, before the trial court, before his actual release from jail.

(g) The Appellant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the court seized of the matter and to the Investigating Agency i.e. the Respondent herein.

(h) The Appellant to co-operate in concluding the trial of present case and attend the trial court on all dates, unless specifically exempted, by giving reasons in writing.

(i) If there is breach of any of the aforesaid conditions, the prosecution will be at liberty to seek cancellation of Appellant's bail.

7) Appeal is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)