

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 1299 OF 2025**

Waseem Azim Shaikh

.....Appellant

Vs.

The State Of Maharashtra

.....Respondent

Ms. Payoshi Roy (Through V.C.) a/w Mr. Ulkesh Gangurde for Appellant.

Mr. Ajay S. Patil, A.P.P a/w Mr. Vinod Chate, A.P.P for Respondent-State.

Mr. Yogesh Gaikwad, API, ATS Nashik, Mr. Mohan Dongare, PSI, ATS, Pune,
and Mr. Ravindra Mahale, HC, ATS Nashik, present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**
DATE : 9th FEBRUARY, 2026.

P.C.:-

1) This is an Appeal preferred by the original accused No.4 under Section 21(4) of the National Investigation Agency Act, 2008 ('NIA Act'), impugning the Order dated 19th November 2025, passed below Exh. 76 in Special (ATS) Case No. 24 of 2023. By the impugned Order, the trial Court has rejected the Application of the Appellant for bail under Section 439 of the Cr.P.C. (u/s. 483 of the BNS).

2) Record indicates that, co-accused namely Unais Umar Khaiyyam Patel (accused No.6), Razi Ahmed Khan (accused No.3) and Kayyum Abdul Shaikh @ Abdul Kayyum Badulla Sheikh (accused No.2), have been granted

bail by the Hon'ble Supreme Court by its Orders dated 22nd November 2024, 2nd December 2024 and 17th February 2025 respectively. The reasons for granting bail to the said accused persons have been elaborately mentioned by the Hon'ble Supreme Court in the said Orders. The other two accused persons namely Mohammad Irfan Daulat Khan @ Maulana Irfan Khan (Nadavi) (accused No. 7) and Maula Nabisab Mulla (accused No. 5), have also been granted bail by this Court on the basis of parity i.e. bail granted to the other accused persons by the Hon'ble Supreme Court.

3) Perusal of record indicates that, the Appellant is also entitled to claim parity along with the said three accused persons, namely Unais Umar Khaiyyam Patel (accused No.6), Razi Ahmed Khan (accused No.3) and Kayyum Abdul Shaikh @ Abdul Kayyum Badulla Sheikh (accused No.2), who have granted bail by the Hon'ble Supreme Court.

3.1) Hence, the following Order.

i) Impugned Order dated 19th November 2025, passed by the learned Judge of the Special Court below Exh. 76, is accordingly set aside.

ii) The Appellant is directed to be released on bail on the same terms and conditions as are imposed upon Accused No. 7 viz. Mohammed Irfan Daulat Khan @ Maulana Irfan Khan by Judgment and Order dated 28th April 2025.

4) Appeal is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)