

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.372 OF 2025

Shyam Rajkumar Tiwari @ Tanna	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Abhinav Dubey a/w C. Patel, Rajlaxmi Dubey and Mridul Das,
for the Applicant.

Ms. Sangeeta D. Shinde, APP for the Respondent - State.

CORAM: R. M. JOSHI, J.

DATED: 15th APRIL, 2026.

PC:-

1. The Applicant seeks his release on bail in connection with CR No.375 of 2023 dated 9th August, 2023 registered with Ghatkopar Police Station, for offence punishable under Sections 394, 397, 506(2) read with Section 34 of the Indian Penal Code, 1860 (IPC), Sections 4 and 25 of the Arms Act, 1959 and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act).

2. In short, it is the case of the prosecution that on 8th August, 2023 at about 09:30 p.m., an incident occurred in which the Informant was apprehended by four persons. They abused and threatened him. One of the assailants had knife with him. The present Applicant caught hold of the Informant from his backside. Other two persons snatched cash of Rs.1600/- and mobile phone.

He was abused and assaulted by them. When he raised shouts some persons came at the spot. It is alleged that the Applicant has threatened the persons not to help the Informant. On the basis of this information offence came to be registered against the present Applicant and co-accused. Investigation is complete and charge-sheet is filed before the Trial Court. First witness has been examined by the prosecution.

3. Learned counsel for the Applicant submits that all the three co-accused have been enlarged on bail though there was specific allegation against them of robbing and assaulting the Informant. It is his submission that the on the previous date of hearing prosecution has sought time for examination of the eye-witness to the incident however failed to examine the witness. It is his submission that the co-accused who are enlarged on bail, there are antecedents against them as well. He, therefore, seeks bail on parity.

4. Learned APP opposed the application by relying upon the statement of the Informant and eye-witness. She submits that the Applicant is the gang leader and has several offences registered against him. It is also sought to be argued that on account of absence for counsel for the Applicant evidence could not proceed further before the Trial Court.

5. *Prima facie* perusal of the record indicates that the role attributed to the co-accused who are enlarged on bail is serious than the present Applicant. There is no dispute about the fact that accused who are enlarged on bail are having criminal

antecedents against them as well. Insofar as the examination of witness is concerned, the Roznama placed before the Court indicates that the evidence could not proceed further for absence of the witness. This cannot be attributed to the Applicant who is in jail. This Court finds no possibility of completion of evidence in this case within a reasonable period of time. Applying the parity Applicant can be enlarged on bail. Hence, following order.

ORDER

- i) Bail Application stands allowed.
- ii) In connection with CR No.375 of 2023 registered with Ghatkopar Police Station, the Applicant be released on bail on furnishing PR Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- iii) The Applicant is directed to attend concerned police station on first Saturday of each month between 12:00 noon to 01:00 p.m.
- iv) The Applicant shall attend all dates of hearing before the Trial Court, unless exempted.

6. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(R. M. JOSHI, J.)