

Navnath Waghmare

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1327 OF 2025

Saddam Mushtaq Hashmi	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Mohsin Khan a/w Babu Skingh , for the Applicant.
Mr. Hitendra J. Dedhia, APP for the Respondent-State.
Mr. Vijay Thakur PSI, Mahesh Anjanwa PSI, Shivajinagar Police
Station, Govandi.

CORAM: R. M. JOSHI, J.
DATED: 04th May, 2026.

PC:-

1. Applicant seeks bail in connection with CR. No. 209 of 2023 registered with Shivajinagar Police Station, Mumbai for the offences punishable under Sections 378,323, 504, 506(2) read with 34 of the Indian Penal Code and Sections 31(1)(a) 135 and 142 of the Maharashtra Police Act and Sections 3(1) (ii), (2) and 3(4) of the MCOCA Act 1999.
2. In short, it is a case of the case of the prosecution that the first informant is a contractor and was constructing a new

house for Tabrez. It is alleged by him that the present applicant who is a gang leader of organized crime syndicate with co-accused is came to the site and applicant-Saddam demanded for extortion from him. They again visited the construction site and asked first informant for Rs. 1 Lakh on the next day or else that he would be killed. It is further alleged that when the first informant raised an alarm/shouted the labours and nearby residents came to his rescue and there upon present applicant took out a knife there to kill whoever intervenes. The accused persons are said to have put a lock shutter of the premises and when the key was demanded, co-accused asked him to pay double extortion amount. On the basis of the said report offence came to be registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is in jail for a period of two years and when the co-accused is enlarged on bail, he deserved bail on parity.

4. On merit, it is his submission that the prosecution has wrongly made provisions of MCOC Act applicable to the

instant case. It is his submission that there are inconsistencies in the statement of witnesses with regard to the amount of extortion and the same makes the case of the prosecution doubtful. It is also claimed that it was open for the prosecution to bring evidence in the form of CCTV footage however, the same is not included in the chargesheet, on these amongst other contentions he seeks bail.

5. Learned APP opposed the application by pointing out that there are number of crimes registered against the present applicant as well as co-accused. It is his submission that on the face of it there is material on record to justify invocation of provisions of MCOC Act. He referred to the aims and objects of the act in order to contend that the applicant once found involved in the said offence, he is not entitled for bail. On the point of parity, it is argued that against co-accused there are 02 crimes registered whereas against the present applicant there are about 11 and more offences pending against him.

6. *Prima-facie*, perusal of the record indicates involvement

of the applicant in the crime. The first informant has specifically named the present applicant and also describe his role in the crime. There is further support to the statement of the first informant and statement of other witnesses. The inconsistencies with regard to the amount of extortion becomes immaterial. In view of the consistent statement of witnesses with regard to the presence of the applicant at the site and demanding money and threat of killing if the demand is not met.

7. Once, prima-facie evidence is found showing involvement of the applicant in the crime coupled with the fact that the applicant has Criminal history of 11 similar offences registered against him. The condition under Section 21(4) of the Act is not satisfied. The applicant therefore, is neither entitled for bail on merit nor on parity.

8. Hence, Application stands dismissed, learned Trial Court is directed to expedite the trial.

(R. M. JOSHI, J.)