

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3397 OF 2025

Akhilendra Pratap Sureshsingh

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Satyavrat Joshi a/w Ishan Paradkar, Sachin Zalte Patil, Ajinkya
Mirgal and Omkar Inamdar, for the Applicant.

Mr. Mahesh Mule, SPP a/w Nidhi Narvekar, for the Respondent -
State.

Mr. Pradip Gharat a/w Trivankumar Karnani, for Intervenor.

CORAM: R. M. JOSHI, J.

DATED: 24TH APRIL, 2026.

PC:-

1. The Applicant seeks his release on bail in connection with CR No.86 of 2024 registered with DCB CID, for offence punishable under Sections 103(1), 109, 125, 3(5), 336(2), 337, 61(2) and 238 of the Bharatiya Nyaya Sanhita, 2023, Sections 3, 5, 25, 25(6), 25(7)(i), 25(8), 25(9) and 27 of Arms Act, 1959, Sections 37(1)(a) and 135 of the Maharashtra Police Act, 1951, and Sections 3(1)(i)(ii), 3(2), 3(3) and 3(4) of the Maharashtra Control of Organised Crime Act (MCOCA), 1999. The Applicant is arraigned as Accused No.23.

2. In short it is the case of the prosecution that on 12th October, 2024, at about 09:30 p.m. when Baba Siddiqui visited his son's office at Bandra (E), the unknown persons opened fire at

him. In the said firing he sustained injuries and succumbed thereto. At the spot of the incident Accused Nos.1 and 2 who said to have opened fire attempted to flee but were unsuccessful. During the course of investigation role of different accused persons was revealed and in all 27 accused came to be arrested. The provisions of MCOCA also made applicable. On conclusion of investigation, charge-sheet is filed.

3. The present Applicant seeks bail on the ground that there is no evidence collected during the course of investigation that the Applicant has any involvement in the crime. It is also claimed that there is no motive attributed against the Applicant for him to be part of the crime. It is further contended that there is no allegation against the Applicant of his actual involvement in the crime. Apart from this, it is claimed that there is absolutely no material on record to show that the Applicant is the member of the criminal syndicate and had participated in crime in question.

4. Learned counsel for the Applicant submits that the Applicant came to be arrested on 11th November, 2024, and the main allegation against him is that in the part of conspiracy to kill the deceased, the Applicant has played role of harboring assailants. In this regard, it is his submission that though such allegations are made, there is no evidence to hold so. According to him, the alleged assailants and the Applicant hails from the same village and as such their acquaintance with each other so also the exchange of calls would not become incriminating circumstance. It is his submission that the statements of the co-accused recorded under Section 18 of the MCOCA have been retracted, however, in any case the same is not sufficient to show that the Applicant with

knowledge that the persons with whom he had acquaintance have committed murder of Baba Siddiqui and therefore said to have harbored them. It is submitted that the only evidence in this regard sought to be relied upon is the browsing internet history, which according to him cannot become evidence to prove crime. It is finally submitted that there was no any previous crime registered against the Applicant, much less along with the co-accused but one offence is said to have been registered under the provisions of POCSO Act. It is his submission that in any case the said offence cannot have bearing on the present Application. He submits that the co-accused in the present offence have been enlarged on bail by this Court. He placed reliance on following judgments to support his contention:

1. Bhikubhai Dayaram Thanki and Anr. v. The State of Maharashtra¹;

2. Ranjitsing Brahmajeetsing Sharma v. State of Maharashtra and Anr.²;

3. Mangesh Manik Kanchan v. The State of Maharashtra³; and

4. Akashdeep Karaj Singh v. State of Maharashtra⁴

5. Learned Special PP as well as learned counsel for the Intervenor opposed the application by pointing out serious nature of crime. It their contention that there is a statement of co-accused recorded under Section 18 of the MCOCA, which is admissible in

1 2018 SCC OnLine Bom 2636
2 2005 ALL MR (Cri) 1538 S.C.
3 2015 SCC OnLine Bom 6038
4 Bail Application No.3679 of 2025 decided on 09.02.2026.

evidence and as such there is *prima facie* material on record to show involvement of the Applicant in the crime. It is further argued that apart from the said statement, there are other circumstances such as call records between the Applicant and the co-accused and their arrest together indicate the Applicant to be the part of the conspiracy in killing the deceased. To support this submission, he placed reliance on the station diary entry indicating that after receiving information with regard to the accused persons, team of the Investigating Agency went to Nanpore in State of Uttar Pradesh wherein the physical custody of the Applicant and some of the co-accused was taken. In this regard, reference is made to the general diary entry recorded in police station Nanpore dated 10th November, 2024. It is contended that the evidence on record is sufficient to connect the Applicant with the crime in question and as such this is not a case for enlargement of the Applicant on bail.

6. There cannot be any dispute made with regard to the fact that the offence charged against the Applicant is serious in nature. Apart from this, *prima facie* there is material on record to indicate compliances of provisions of MCOCA for the purpose of attracting the same to the case in hand.

7. Perusal of the record shows the confessional statement of the co-accused indicating that the role attributed to the present Applicant in this crime is to harbor the assailants. Needless to say that it is settled position of law that such statement becomes admissible in evidence during the course of trial. This statement gets further support from call record indicating exchange of calls between the Applicant and some of the co-accused. Though it is

sought to be argued that the Applicant being resident of the same village, the exchange of calls cannot be considered as incriminating, having regard to the confessional statement of the co-accused which otherwise becomes admissible in evidence, this contention cannot be accepted at this stage.

8. Apart from this, there is sufficient material on record to show that the Applicant and the co-accused were acting together and as a result of which they came to be arrested/accosted at the same place. At this stage this aspect cannot be ignored.

9. The case law cited on behalf of the counsel for Applicant would not help Applicant to seek bail, having regard to difference in the facts involved in those cases as compared to the one in hand. Needless to say that the offence of harboring of the member of an organized crime syndicate is punishable with sentence which may extend to life imprisonment.

10. Having regard to the material evidence on record, this Court finds no substance in the contention of Applicant that he is innocent and he has not participated in the crime. The main condition contemplated under Section 21(4) of the MCOCA are not satisfied. In any case, apart from the material indicating his involvement in this crime, there is one more offence registered against the Applicant under the POCSO Act. Thus, there is no reason to believe that if the Applicant is released on bail he will not involve himself in commission of any crime.

11. As a result of above, Bail Application stands dismissed.

(R. M. JOSHI, J.)