

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3679 OF 2025**

Akashdeep Karaj Singh

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Abhishek Yende *a/w Ms. Surbhi Agrawal, Mr. Shubham Kahite & Mr. Sagar P. for Applicant.*

Mr. Mahesh Mule, SPP *a/w Mr. Parth Gawde & Ms. Megha S. Bajoria, APP for the State-Respondent.*

Mr. Pradip Gharat *a/w Mr. Trivankumar Karnani, Ms. Hritika Jannawar & Mr. Sumit Jadhav for Intervenor.*

API- Ramdas Kadam *a/w ACP- Sadanand Rane, DCB CID, is present.*

CORAM

DR. NEELA GOKHALE, J.

RESERVED ON:

03rd FEBRUARY 2026

PRONOUNCED ON:

09th FEBRUARY 2026

JUDGMENT:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 589 of 2024 dated 13th October 2024 registered with the Nirmalnagar Police Station, Brihanmumbai City, for the offences punishable under Sections 103(1), 109, 125 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 3, 5, 25

and 27 of the Arms Act, 1959 and Sections 37 and 135 of the Maharashtra Police Act, 1951. Thereafter, the provisions of Section 3(1)(i)(ii), 3(2), 3(3), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (for short 'MCOCA') were added.

2. The offence relates to the murder of one Ziauddin Abdul Rahim Siddiqui @ Baba Siddiqui, former Minister in the State of Maharashtra.

3. The facts as discerned from the FIR are as follows:

i) The First Informant is a police constable attached to the Special Protection Unit of the Mumbai Police, entrusted with the personal security protection of one Ziauddin Abdul Rahim Siddiqui @ Baba Siddiqui, a former Minister, State of Maharashtra. There were other police officials deputed as bodyguards to provide security to Baba Siddiqui.

ii) On 12th October 2024, while the First Informant was on security duty, Baba Siddiqui visited his son's office at premise No.14, Building No.35, Khernagar, Nirmalnagar, Bandra (E), Mumbai. At about 09:30 pm., three unknown persons opened fire on him, while he was proceeding towards his car. Baba Siddiqui succumbed to his injuries and several persons present at the spot also sustained injuries. Accordingly, on the Complainant's detailed statement, FIR came to be registered.

iii) The two assailants, namely Accused No.1 and 2 - Gurmail Baljit Singh and Dharmaraj Radhe Kashyap respectively, were apprehended while they were fleeing from the spot. Upon their body search, firearms, live cartridges and other material was seized from them. Consequently, they were arrested on 13th October 2024.

iv) During the investigation, perusal of the crime record indicated that one Anmol Bishnoi, the gang leader, committed serious offences such as robbery, extortion, dacoity, murder, attempt to murder, using lethal firearms, recruiting youth and

raising funds to carry out unlawful activities in various states. According to the Investigating Agency, an Organised Crime Syndicate, headed by wanted accused and gang leader, Anmol Bishnoi, was found to be indulging continuously in unlawful activities. Competent Courts of law had previously taken cognizance of two charge-sheets under the provisions of MCOCA, against said Anmol Bishnoi along with his brother Lawrence Bishnoi and other associates. Hence, approval was granted by the Joint Commissioner of Police under Section 23(1) of the MCOCA dated 29th November 2024 to add charges of MCOCA in the present case. Thereafter, the Special Commissioner of Police, Mumbai, also granted sanction under Section 23(2) of the Act dated 2nd January 2025. The charge-sheet was filed before the Special MCOCA Court, Mumbai.

v) Upon further inquiries and investigation in the case, involvement of 27 persons was revealed. One of them is the present Applicant, arraigned as Accused No.24. All the accused are in custody.

4. The Applicant made an application seeking bail before the Additional Sessions Judge and Special Judge under the MCOCA, however, by order dated 19th July 2025, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the relief as prayed.

5. Mr. Abhishek Yende, learned counsel for the Applicant, submitted as follows:

- i) The Applicant is falsely implicated in the crime.
- ii) There is no incriminating material against the Applicant. He was not a member of the Organised Crime Syndicate run by the wanted Accused No.3, Anmol Bishnoi.
- iii) The Applicant was arrested on the basis of 1-2 calls alleged to have been made by him to Accused No.15, one Sujit Singh. There is no material on record to indicate the Applicant having any connection with said Sujit Singh pertaining to the said offence. There is also an allegation that the Applicant

made certain international calls. There is no material on record to indicate as to the recipients of the alleged international calls. It is the say of the Applicant that he had called his relatives in Canada and had nothing to do with any accused nor their associates, in the present case.

iv) The Applicant is not named by any of the accused in any confessional statement recorded by them. The FIR also does not name the Applicant. Mr. Yende relied on the confessional statements of Sujit Singh (A-15) and Nitin Sapre (A-5), who according to the prosecution, were contacted by the Applicant, to show that neither of them have even mentioned the name of the Applicant.

v) There are no criminal antecedents against the Applicant.

Hence, Mr. Yende prays that the Applicant be enlarged on bail.

6. Mr. Mule, learned Spl. P.P., representing the State (DCB CID), Mumbai, submitted as under:

i) Mr. Mule referred to an Affidavit dated 20th November 2025, affirmed before the Assistant Registrar, High Court, Appellate Side, by one Kishor Kumar Shinde, Assistant Commissioner of Police, DCB/CID. Analysis of phone numbers and handsets used during the relevant period was conducted. The said investigation indicated that the Applicant used the internet hotspot of the mobile phone of one Balvir Bacchan Singh, a farm hand in his village, namely Pakkachisti, P/o Karni Kheda, Fazilka Police Station, District Fazilka, Punjab. Using the said hotspot, he called Sujit Singh (A-15) from his mobile phone. He had two mobile phones, one of Oppo company and the other of Redmi.

ii) Mr. Mule relied upon the statement of Balvir Singh recorded on 12th November 2024, wherein he stated that while he and the Applicant were at home in Pakkachisti, on 7th October, 2024, the Applicant used his internet hot spot

and told him that he wanted to make 1-2 important calls. On arresting A-15, the police seized A-15's mobile phones and the extraction report of his phone established that the Applicant had made two calls to A-15 on 7th October 2024. Hence, it is the case of the prosecution that the Applicant is an active member of the Organised Crime Syndicate run by the Bishnoi brothers.

iii) The Applicant also made international calls on various occasions during the material period to co-ordinate with members of Organised Crime Syndicate operating from overseas.

iv) Data extraction of the Applicant's phone recovered at the time of his arrest, revealed his photographs with firearms.

v) The Applicant is the native of Pakkachisti, Fazilka, Punjab, which is also the native place of gang leader, Anmol Bishnoi.

vi) The Applicant deposited some money in an ATM in Punjab, which was received by a friend of the co-accused in his SBI account in Mumbai.

vii) Mr. Mule argued that the Crime Syndicate was involved in the firing of bullets at actor-Salman Khan's house as well as firing on film director-Rohit Shetty's house. He tendered an extract of a screenshot appearing on the Facebook of one co-accused (wanted) Shubham Lonkar, claiming responsibility for the firing on the house of Rohit Shetty. He also submitted that the gang leader, Anmol Bishnoi, was extradited recently and is in custody of the National Investigation Agency and currently lodged in Tihar Jail, New Delhi. The Investigating Agency is also to interrogate him in the present case. Hence, releasing the Applicant on bail, at this stage, shall impede the investigation in the present case. Mr. Mule further submitted that the Applicant is an active participant and member of the Organised Crime Syndicate run by the Bishnoi brothers and prayed that the Bail Application be rejected.

7. Mr. Pradip Gharat, learned Senior Counsel appeared for the Intervenor namely, Shehzeen Ziauddin Siddiqui, wife of deceased Baba Siddiqui. He supported the arguments advanced by Mr. Mule and added that the Applicant, a young boy of 22 years had no cause nor occasion to make international calls. This by itself, brings home his guilt. He also prayed for rejection of the Bail Application.

8. I have carefully considered the submissions advanced by the counsels appearing for the respective parties and perused the record with their assistance.

9. Section 21(4) of the MCOCA imposes stringent conditions for grant of bail and stipulates as under:

“21. Modified application of certain provisions of the Code.—

(1) ...

(2) ...

(3) ...

(4) Notwithstanding anything contained in the Code, no person accused of an offence punishable under this

Act shall, if in custody, be released on bail or on his own bond, unless—

(a) the Public Prosecutor has been given an opportunity to oppose the application of such release; and

(b) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.”

10. Thus, the Court has to be satisfied that there are reasonable grounds for believing that the Applicant is not guilty of such offence, as alleged, for the grant of bail. I have perused the affidavit filed by the Respondent-State. The entire case of the prosecution *qua* the present Applicant, hinges on the two calls made by him to A-15, using the internet hot spot of Balvir Singh, on 7th October, 2024. The prosecution has relied upon the mobile extraction panchanama of A-15's mobile phone showing two calls received by him from the Applicant's phone. Further, witness Balvir Singh stated that the Applicant made 1-2 calls from his mobile by using Balvir

Singh's internet hot spot. Thus, although the extraction panchnama of A-15's phone reveals two being calls made, however, there is no material on record at this stage, to establish the Applicant's connection with A-15 concerning the present offence. Merely putting through a call to the mobile phone of A-15 *prima facie* does not connect the Applicant with the organised crime syndicate, unless it is demonstrated that the Applicant had knowledge of A-15 being engaged in assisting in any manner, an organised crime syndicate. This fact can be established only during the trial. Moreover, although an allegation is made regarding complicity of the Applicant in participation in the Organised Crime Syndicate of the Bishnoi brothers, based on some international calls alleged to have been made by the Applicant, no effort is made by the prosecution to identify the receivers of the said calls. A bare allegation unsupported by any material that the Applicant made international calls to supporters of the Organised Crime Syndicate in Canada, does not indicate his complicity in the offence.

11. I have also perused in detail the confessional statements of A-15 and A-5 carefully. Sujit Singh (A-15) has explained how he was inspired by Lawrence Bishnoi through social media. He has also given the telephone numbers vide which he communicated with Shubham Lonkar. Further, he narrated the *modus operandi* of the planning and execution of the attack on Baba Siddiqui. He has named Nitin Sapre, Ram Kanojia, Anmol Bishnoi, Shubham Lonkar in his confessional statement. Similarly, Nitin Sapre (A-5) has also narrated how he was roped in the gang; the manner in which he recruited young boys to work for their crime syndicate and also how weapons were procured. In the detailed confession statement of A-5 and A-15, neither of them have named the Applicant as a person who was involved in any of the offences committed by the crime syndicate in general and the present offence, in particular. It is pertinent to note that A-15 and A-5 have described in some detail their own role as well as the role of other members/accused connected with the present offence. The Applicant's name is eloquently absent.

12. The alleged photograph of the Applicant carrying a gun does not take the case of the prosecution further regarding the said particular weapon being used to commit an offence by any member of the organised syndicate. There is a license issued in the name of the Applicant's father valid through 2016 till 2018. The prosecution's own case is that the weapons used in the firing on Baba Siddiqui were brought from Rajasthan. In any case, the existence of a photograph of the Applicant holding a gun, in his phone, does not demonstrate that he has participated in the criminal conspiracy of murdering the deceased.

13. Although, Mr. Mule argued that A-15's confession contains a statement that he received some money in the account of some of his friends, in the SBI account, and that it was the present Applicant who deposited the money in an ATM in Punjab, there is no averment in this regard in the affidavit, neither is there any material to even indicate that it was the present Applicant who deposited money in an ATM in

Punjab. The only explanation offered by Mr. Mule in this regard, is that since the Applicant also belongs to Punjab and the money has been deposited in an ATM in Punjab, does neither connect the Applicant with the syndicate nor does it *per se* establish the Applicant rendering financial assistance to the organised crime syndicate. Thus, I am unable to agree with Mr. Mule's argument.

14. Undoubtedly, the acts committed by the Organised Crime Syndicate, alleged to be headed by Bishnoi brothers, are serious offences. The provisions of the MCOCA are thus invoked. However, on examination of the material relied upon by the prosecution in its affidavit dated 20th November 2025, *qua* the present Applicant and taking the material against the Applicant as it is, without considering the defence of the Applicant, I am unable to form an opinion that there are reasonable grounds, at this stage, for believing that the accusations against the Applicant of commission of the offence under the MCOCA are *prima facie* true.

15. In **Chenna Boyanna Krishna Yadav Vs. State of Maharashtra and Anr.**¹, the Apex Court weighed in on the considerations in granting bail in non-bailable offences. Relying upon its earlier decisions in **State Vs. Capt. Jagjit Singh**² and **Gurcharan Singh Vs. State (Delhi Administration)**³ and also in **Jayendra Saraswathi Swamigal Vs. State of Tamil Nadu**⁴, the Supreme Court observed as under:

“... the nature and seriousness of the offence; the character of the evidence; circumstances which are peculiar to the accused; a reasonable possibility of the presence of the accused not being secured at the trial; reasonable apprehension of witnesses being tampered with; the larger interest of the public or the State and other similar factors which may be relevant in the facts and circumstances of the case.”

16. In **Chenna Boyanna** (supra), the Supreme Court observed as under:

1 (2007) 1 SCC 242
2 (1962) 3 SCR 622
3 (1978) 1 SCC 118
4 (2005) 2 SCC 13

“13. It is plain from a bare reading of the non-obstante clause in the sub-section that the power to grant bail by the High Court or Court of Sessions is not only subject to the limitations imposed by Section 439 of the Code but is also subject to the limitations placed by Section 21(4) of MCOCA. Apart from the grant of opportunity to the Public Prosecutor, the other twin conditions are: the satisfaction of the court that there are reasonable grounds for believing that the accused is not guilty of the alleged offence and that he is not likely to commit any offence while on bail. The conditions are cumulative and not alternative. The satisfaction contemplated regarding the accused being not guilty has to be based on reasonable grounds. The expression "reasonable grounds" means something more than prima facie grounds. It contemplates substantial probable causes for believing that the accused is not guilty of the alleged offence. The reasonable belief contemplated in the provisions requires existence of such facts and circumstances as are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged offence. Thus, recording of findings under the said provision is a sine qua non for granting bail under MCOCA.”

17. In **Ranjitsing Brahmajeetsing Sharma Vs. State of Maharashtra and Anr.**⁵, considering the provisions of Section 21(4) of the Act, the three Judge Bench of the Supreme Court observed as under:

"43. Section 21(4) of MCOCA does not make any distinction between an offence which entails punishment of life imprisonment and an imprisonment for a year or two. It does not provide that even in case a person remains behind the bars for a period exceeding three years, although his involvement may be in terms of Section 24 of the Act, the court is prohibited to enlarge him on bail. Each case, therefore, must be considered on its own facts. The question as to whether he is involved in the commission of organised crime or abetment thereof must be judged objectively. ...

44. The wording of Section 21(4), in our opinion, does not lead to the conclusion that the court must arrive at a positive finding that the applicant for bail has not committed an offence under the Act. If such a construction is placed, the court intending to grant bail must arrive at a finding that the applicant has not committed such an offence. In such an event, it will be

5 (2005) 5 SCC 294

impossible for the prosecution to obtain a judgment of conviction of the applicant. Such cannot be the intention of the legislature. Section 21(4) of MCOCA, therefore, must be construed reasonably. It must be so construed that the court is able to maintain a delicate balance between a judgment of acquittal and conviction and an order granting bail much before commencement of trial. Similarly, the court will be required to record a finding as to the possibility of his committing a crime after grant of bail. However, such an offence in future must be an offence under the Act and not any other offence. Since it is difficult to predict the future conduct of an accused, the court must necessarily consider this aspect of the matter having regard to the antecedents of the accused, his propensities and the nature and manner in which he is alleged to have committed the offence."

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46. The duty of the court at this stage is not to weigh the evidence meticulously but to arrive at a finding on the basis of broad probabilities. However, while dealing with a special statute like MCOCA having regard to the provisions contained in sub-section (4) of Section 21 of the Act, the court may have to probe into the matter deeper so as to enable it to arrive at a finding that the materials collected against the

accused during the investigation may not justify a judgment of conviction. The findings recorded by the court while granting or refusing bail undoubtedly would be tentative in nature, which may not have any bearing on the merit of the case and the trial court would, thus, be free to decide the case on the basis of evidence adduced at the trial, without in any manner being prejudiced thereby."

18. Insofar, as the second part of the embargo in Section 21(4) of the Act, regarding possibility of the Applicant committing such an offence after grant of bail is concerned, considering that the Applicant has no antecedents; he is only 22 years in age; and that his alleged brush with one of the co-accused, is limited to a phone call made to him, it is unlikely that he will commit any offence in future.

19. Bearing in mind the above broad legal principles and the material *qua* the present Applicant, as relied upon by the prosecution at this stage, as discussed herein above, the embargo on the grant of bail under provisions of Section 21(4) will not apply in this case and this is a fit case for grant

of bail to the Applicant. I hasten to record, however, that the findings recorded in this judgment are only *prima facie* observations recorded for the limited purposes for examining the case in the light of Section 21(4) of the Act, for determining grant of bail to the Applicant. It is obvious that while granting bail, however, stringent conditions will have to be imposed.

20. In these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.1,00,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date, unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall also attend the office of the DCB/CID and report to the Police official concerned on every alternate Monday of a month between 11:00 am. to 02:00 pm.;

iv) If the Applicant holds a passport, he shall deposit the same with the Investigation Officer concerned, if not already deposited;

v) The Applicant shall neither leave the State of Maharashtra nor the country, without permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or

mobile phone details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

21. Application is allowed in the above terms and is accordingly disposed of.

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

(DR. NEELA GOKHALE, J)