

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3760 OF 2025**

Saqib Sarfaraz Ansari

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Vipul Dushing a/w Krishma Joshi, Sangram Jadhav and
Ashraf Kazi, *for the Applicant.*

Ms. Megha S. Bajoria, *APP for the Respondent - State.*

PSI – Savitra Yadav, Worli Police Station, present.

CORAM DR. NEELA GOKHALE, J.

DATED: 06TH FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 389 of 2024 dated 24th July, 2024, registered with the Worli Police Station, for the offences punishable under Sections 103(1), 111(2)(c) (3), 238, 311, 61(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The case of the prosecution, in brief, is that the informant is the son of the deceased Gurusiddhappa. The co-

accused namely Santosh was running a massage parlor Soft Touch Spa, located at Gandhinagar Worli and other parlors and Spa centers as well. The deceased kept making complaints to the police regarding the illegal activities of the spa owners and therefore, there was some dispute between the spa owners and the deceased. It is further alleged that on the fateful day, the deceased was taken to the massage parlor under the guise of celebrating his birthday and thereafter the deceased was found murdered in the said parlor. According to the prosecution, the co-accused Santosh (Accused No.1), had given a contract of Rs. 12 Lakhs to Accused no.1 to do away with the deceased. There are eye-witnesses who claim to have seen four people in the massage parlor out of which three have been named and fourth is the present Applicant. The present Applicant is not identified by anybody. The Applicant was arrested on 26th July, 2024 pursuant to registration of the FIR.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, City Civil & Sessions

Court, Greater Bombay, however, by order dated 8th May, 2025 the said application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr. Dushing, learned counsel for the Applicant, submits that the nature of evidence as against the present Applicant is circumstantial. He further submits that no witness has identified the Applicant to be the fourth assailant or the fourth person present in the massage parlor. He further submits that charges are framed on 4th July, 2025 and prosecution intends to examine 51 witnesses. In these circumstances, it is unlikely that the trial will conclude in the near foreseeable future and considering that no role is attributed to the Applicant and no witness has identified him, *prima facie* his complicity in the crime is not established. Therefore, he prays that the Applicant be enlarged on bail.

5. Ms. Bajoria, learned APP, states that among four persons present along with the main accused was the present Applicant. She submits that the offence is serious and a person

has lost his life. The maximum sentence prescribed for the offence alleged is life imprisonment and, in these circumstances, one and half year cannot be termed as long incarceration. Therefore, she prays that the Bail Application be rejected.

6. Be that as it may, *prima facie*, there is no material on record, at this stage, to establish complicity of the Applicant in the alleged offence. There is no person who has identified the present Applicant to be the fourth person present alongwith the co-accused. No other material establishes his presence. 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.50,000/ 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) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

iv) The Applicant shall not leave India, without the permission of the Trial Court;

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

vi) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

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

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

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

8. 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.

(DR. NEELA GOKHALE, J)