

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.3864 OF 2025

Imran Ahmed @ Immo Shabbir Ahmad Khan Applicant

Vs.

The State of Maharashtra Respondent

Mr. Firoz Usman with Kashaan Shaikh i/b Jurisman Legal for the Applicant.

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

Mr. Mahesh Anjanwad, PSI, Shivajinagar police station, Mumbai.

CORAM : SHYAM C. CHANDAK, J.

DATED : 8th JUNE, 2026

P.C. :-

- 1) The Applicant seeks his release on bail in FIR No.81 of 2025 registered with Shivaji Nagar police station, Mumbai for the offence under Sections 302, 364, 120B, 201 and 34 of the Indian Penal Code.
- 2) Heard Mr.Usman, the learned Counsel for the Applicant and Ms.Shinde, the learned APP for the Respondent-State. Perused the record.
- 3) The prosecution case is that the deceased Kabir @ Papa, Mr.Batla and Mr.Aslam had borrowed money from Accused No.1-Nafees @ Kakkibhai. The three could not repay the borrowed money, therefore, they had disappeared. However, Kabir had paid some amount towards repayment of the principal amount Rs.70,000/- and the interest. Since, Kabir could not repay the entire loan amount, Accused No.1 used to beat and threaten him. Therefore, Kabir used to remain away from his residence. Afrin is widow of

Kabir. Co-accused Atiq is husband of Afrin's sister. Atiq knew about the monetary transaction between Kabir and Accused No.1. Atiq had told Afrin that Accused No.1 was repeatedly enquiring with him about Kabir. On 04/11/2023, Atiq and Kabir went to Dharavi. On that day, Atiq had called Accused No.1 to meet with Kabir. Therefore, Accused No.1 and co-accused Mohd. Saqir Mohd. Shaqil Shaikh @ Justin went to Dharavi. From there they all went to Vashi railway Station. There, Accused No.1 assaulted Kabir and inquired about Mr.Batla and Mr.Aslam. Then Kabir led them to Mumbra in an auto-rickshaw driven by the Applicant. However, Mr.Batla and Mr.Aslam were not found there. Then, the accused person took Kabir to different places including the residence of Accused No.1. During that period, Kabir was beaten up by Accused No.1 by means of belt and hand. Lastly, Accused No.1 forcibly pushed Kabir on the floor. Consequently, Kabir sustained fatal injuries and died. The accused persons thereafter threw the body of Kabir into the creek at Kamotha.

4) During investigation, the police arrested accused persons. The Sessions Court rejected the Bail Application of the Applicant.

5) Mr. Usman, the learned Counsel for the Applicant submitted that the case against co-accused-Justin and the case against present Applicant is same. The co-accused-Justin has been released on bail. Therefore, on the ground of parity, the Applicant is entitled for bail. Secondly, he submitted that except the inadmissible statements of co-accused, there is no evidence showing the involvement of the Applicant in this crime. There is no witness, who has seen the Applicant while driving the auto-rikshaw in which Kabir was abducted and driven to different places. As such, there is no *prima facie* case against the Applicant of having committed this offence. The Applicant is sole earning member in the family. Therefore, the Applicant is entitled for bail.

6) In contrast, Ms.Shinde, the learned APP submitted that there is sufficient evidence against the Applicant that after he joined the co-accused at Vashi, they all abducted Kabir in the auto-rickshaw driven by the Applicant. Thereafter, the Applicant and his co-accused drove Kabir to various places. On the way, Accused No.1 beaten up Kabir. However, the Applicant did not intervene to stop Accused No.1 and save Kabir. Lastly, the Applicant helped to dispose of the dead body of Kabir. The learned APP further submitted that the statement of witness Anil Pandey indicates that when the co-accused Nafees and the Applicant were shown to him by the Investigating Officer, the said witness has identified them to be the same person who had alighted from the auto-rickshaw when it was taken to his CNG pump for fueling. Thus, Applicant is involved in this crime. Therefore, and looking at the nature of the offence, the Application may be rejected.

7) I have considered these submissions. There is no dispute about the fact that the allegations against the Applicant and co-accused-Justin are same. Co-accused-Justin has been granted bail by the learned trial Court. Therefore, the Applicant is entitled for bail on the ground of parity. Mainly, the Applicant has been involved in the crime on the basis of the confessional statements of the co-accused.

8) No doubt, the witness Anil Pandey has identified the Applicant as the driver of the auto-rickshaw. However, no TIP has been conducted with the help of the said witness. There is no explanation by the prosecution as to why the TIP was not held as required in law. As such, whether the Applicant was identified by witness Anil Pandey or not, is a question of trial.

9) In the wake of above, the Applicant is entitled for bail. Hence, the following Order is passed :-

(i) Bail Application is allowed.

- (ii) The Applicant-Imran Ahmed @ Immo Shabbir Ahmad Khan shall be released on bail in connection with FIR No.81 of 2024 registered with Shivaji Nagar police station, Mumbai under Sections 302, 364, 120B, 201 and 34 IPC, on his furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- (iii) The Applicant shall mark his attendance at Shivaji Nagar police station on the 1st day of each calendar month between 12.00 noon to 4.00 pm, till the conclusion of the trial.
- (iv) The Applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witness to prevent them from deposing against him.
- (v) On being released from jail, the Applicant shall furnish his contact number and residential address to the Investigation Officer and shall keep him updated, in case there is any change.
- (vi) The Applicant shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.
- (vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination to the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the Applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

10) At this stage, as requested by the learned Counsel Mr.Usman, for the Applicant, the Applicant is granted four weeks time to furnish surety. Till then, the Applicant be released on bail on his executing a P.R. Bond in the sum of Rs.50,000/- and depositing a sum of Rs.50,000/- in lieu of furnishing the surety bond.

At the end of said period of four weeks, the Applicant shall furnish surety. On furnishing such surety/ies, the amount of Rs.50,000/- deposited by the Applicant shall be returned.

(SHYAM C. CHANDAK, J.)