

Shubhada S Kadam

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4014 OF 2025**

Mufed @ Munfed @ Chhote Khan Gafoor Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

with

BAIL APPLICATION NO. 4288 OF 2025

Jamil Khan Asu Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Tanveer Aziz Patel along with Nauman Abbas Patel, Advocate for the Applicant in Bail Application No.4014 of 2025.

Mr. Santosh Singh, Advocate for the Applicant in Bail Application No.4288 of 2025.

Mr. S. S. Pednekar, APP for Respondent-State in both Bail Applications.

PSI-Harshal Y. Bhole, Lasalgaon Police Station, Nashik Rural, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 23rd JANUARY, 2026.

P.C. :

1. These two applications are arising out of the same crime, and I am deciding these applications by a common order.

2. By these applications, the applicants are seeking regular bail in Crime No. 170 of 2024 registered with Lasalgaon Police Station, District Nashik for the offences punishable under Sections 305(a), 331(4), 324(4), 331(1), 331(3), 326(g), 61, 310(2), 111 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of Prevention of Damage to Public Property Act, 1984.

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3. It is prosecution's case that on 4th July 2024, around 1:45 am to 2:00 am, the applicants and co-accused broke the ATM machine and stole ₹31,01,200 /- from the ATM machine.

4. It is contention of learned counsel for the applicants that co-accused, against whom similar allegations are been made, have already been released on bail by this Court, hence, the applicants are entitled to bail on the principle of parity and requested to allow the applications.

5. Learned APP submitted that the applicants broke open the ATM machine and stole the amount from it. If the applicants are released on bail, they may abscond and requested to reject the application.

6. I have heard both learned counsel, perused the charge sheet, and documents produced on record. Out of the two co-accused against whom similar allegations are made, one has been enlarged on bail by this Court (Justice N. R. Borkar, J.), and the other has been granted bail by the learned Sessions Court, hence, the applicants are entitled to bail on the principle of parity. Considering these facts, I pass following order :

ORDER

- (i) The applicants viz. Mufed @ Munfed @ Chhote Khan Gafoor Khan and Jamil Khan Asu Khan be enlarged on bail in Crime No. 170 of 2024 registered with Lasalgaon Police Station,

Shubhada S Kadam

District Nashik, on executing P.R.Bond in the sum of Rs.50,000/- each with one or two local sureties in the like amount.

(ii) The applicants shall attend the concerned police station once in a month i.e. on first Saturday between 11:00 am to 2:00 pm, till conclusion of the trial.

(iii) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

Both applications are allowed in the aforesaid terms and are accordingly disposed of.

7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)