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

CRIMINAL BAIL APPLICATION NO. 4315 OF 2025

Shankar Ukha Mahajan : Applicant.
Versus
The State of Maharashtra : Respondent

Ms. Saima Ansari for the Applicant.
Mr. V B Konde-Deshukh, a/w Mrs. Rajeshree Newton APP for
the Respondent/State.
PSI B S Chavhan of Killa Police Station present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 17 APRIL 2026

PC:-

1. Heard Ms. Saima Ansari, learned Advocate for the Applicant and Mr. V B Konde-Deshmukh, learned APP for the Respondent/State.

2. Applicant, by this Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is before this Court seeking bail in FIR bearing CR No.103 of 2025 dated 10 June 2025 registered with Killa Police Station, Dist. Nashik for the offences punishable under Sections 318(4), 336(3), 340(2), 338 r/w Section 3(5) of the Bhartiya Nyaya Sanhita, 2023, as well as Sections 8 and 11 of the Prevention of

Corruption Act, 1988 (the said FIR). Ms. Saima Ansari, learned Advocate for the Applicant, states that the said crime is registered as Special Case No.186 of 2025 and is pending before the Additional Sessions Judge, Malegaon, District Nashik.

3. There are 269 Accused in the said FIR. The Applicant herein is Accused No.21.

4. The Applicant was arrested on 24 July 2025 and has been in jail since then. Bail Application Exhibit 73 filed by the Applicant in Crime No.103 of 2025 was rejected by the Additional Sessions Judge, Malegaon on 04 October 2025.

5. Ms. Saima Ansari, learned Advocate for the Applicant, submits that the role of the Applicant in the present crime is of having helped the persons in obtaining birth certificates by taking consideration of Rs.1500/- to Rs.2000 in cash. She submits that the sum and substance of the allegations against the Applicant herein are of having acted as an agent in procuring birth certificates. She submits that in similar and identical circumstance, Bhagirath Shriram Chaudhary (Accused No.20 in the present crime) has been released on bail by this Court in Criminal Bail Application No.4797 of 2025. She submits that that another Accused Khalid Akhtar Mohammed Yusuf (Accused No.195 in the present crime), who is also involved in similar offences which are registered as FIR No.40 of 2025 and FIR No.51 of 2025, is granted anticipatory bail by the Hon'ble Supreme Court as well as by

this Court. She submits that Khalid Akhtar Mohammed Yusuf (Accused No.195) is not arrested in the present crime. She submits that the Applicant does not have any criminal antecedents. She submits that the Applicant is in jail since 8 months. She, therefore, prays for bail on the ground of parity.

6. Mr. V B Konde-Deshmukh, learned APP for the Respondent/State, on instructions from the Investigating Officer in Crime No.103 of 2025 registered as Special Case No.186 of 2025, states that the Applicant has acted as an agent in the present crime and his role is similar to Bhagirath Shriram Chaudhary (Accused No.20 in the present crime). Mr. V B Konde-Deshmukh, learned APP for the Respondent/State, does not dispute that the co-accused Khalid Akhtar Mohammed Yusuf (Accused No.195 in the present crime) is granted anticipatory bail by the Hon'ble Supreme Court in FIR No.40 of 2025 and ad-interim anticipatory bail by this Court in FIR No.51 of 2025. Mr. V B Konde-Deshmukh, again on instructions from the Investigating Officer, submits that the Applicant has no criminal antecedents. He submits that all birth certificate/certificates, which are the subject matter of the present crime, have been cancelled by the competent authority.

7. Heard arguments. Perused the record.

8. Role assigned to the Applicant in the present crime is of an agent who facilitated persons in obtaining birth certificates

by receiving consideration in cash. Bhagirath Shriram Chaudhary (Accused No.20 in the present crime) against whom the allegations were similar, is released on bail. Khalid Akhtar Mohammed Yusuf, who is Accused No.195 in the present crime and against whom similar offences were registered in FIR No. 40 of 2025 and FIR No. 51 of 2025 is granted anticipatory bail in the said two crimes. Mr. V B Konde-Deshmukh, learned APP for the Respondent/State, submits that Accused Khalid Akhtar Mohammed Yusuf is not arrested in the present crime.

9. There are 269 accused in the present crime. The charge is not framed till date, as such there is no possibility of commencement of the trial in the near future. Ms. Saima Ansari, learned Advocate for the Applicant, states that the prosecution has listed 109 witnesses in the present crime. The Applicant is in jail for almost 8 months.

10. Considering the facts stated herein above and the statement of Mr. V B Konde Deshmukh, learned APP for the Respondent/State, that the role assigned to the Applicant in the present crime is similar to the role assigned to Bhagirath Shriram Chaudhary (Accused No.20 in the present crime), the Applicant herein would be entitled to be released on bail on the ground of parity.

11. Mr. V B Konde-Deshmukh, learned APP for the Respondent/State, submits that strict conditions as imposed in the case of Bhagirath Shriram Chaudhary may be imposed,

including a condition that the Applicant should not enter Malegaon City or Malegaon Tahsil until the charge is framed.

12. Ms. Saima Ansari, learned Advocate for the Applicant, on instructions from the Applicant, states that until the framing of the charge in Special Case No.186 of 2025, the Applicant shall not enter the jurisdiction of Malegaon City/Malegaon Tahsil. Statement accepted.

13. In view of the above, the present Bail Application is allowed on the following conditions:-

a. Applicant is directed to be released on bail in connection with FIR No. 103 of 2025 registered with Killa Police Station, Malegaon City, District Nashik, for the offences punishable under Sections 318(4), 336(3), 340(2), 338 r/w Section 3(5) of the BNS, 2023, and under Sections 8 and 11 of the Prevention of Corruption Act, 1988, on executing a PR. Bond in the sum of Rs. 2,00,000/- (Rupees Two lakhs Only) with one or two local sureties of like amount to the satisfaction of the Additional Sessions Judge, Malegaon, District Nashik.

b. Applicant shall not directly or indirectly make any inducement, threat, or promise to any person/s acquainted with facts of the accusation, to dissuade such person from disclosing such facts to the Court or to any police officer.

c. Applicant shall not tamper with the prosecution

witnesses and evidence in any manner.

d. Applicant, upon his release, shall, within three days, furnish his cell phone number, contact details, and residential address with proof to the Investigating Officer at Killa Police Station, Malegaon City, District Nashik and shall keep this information updated in case of any changes.

e. Applicant shall surrender his passport, if any, to the Investigating Officer at Killa Police Station, Malegaon City, District Nashik, within three days of his release.

f. Applicant shall report to the Investigating Officer of Killa Police Station, Malegaon, District Nashik, on the 2nd Saturday of every month from 10.00 am to 12.00 pm till further orders from the Additional Sessions Judge, Malegaon, District Nashik.

g. Applicant shall not enter the territorial jurisdiction of Malegaon City/Malegaon Tahsil until further orders from the Court to which the charges-sheet will be assigned, except for reporting to the Investigating Officer and/or attending the day-to-day hearings in Special Case No.186 of 2025.

h. Applicant shall attend each hearing date before the Trial Court in Special Case No.186 of 2025 regularly, unless exempted.

14. The Criminal Bail Application No. 4315 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)