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VASANT
ANANDRAO
IDHOL

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4397 OF 2025

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Date: 2026.05.04
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Almaz Sayyad Iqbal Hussain

...Applicant

V/s.

State of Maharashtra

...Respondent

Mr.Sandeep Sherkhane with Mr.Parvez Inamdar for the
Applicant.

Mr.V.A.Kulkarni, APP for the Respondent – State.

Mr.Bhushan Mahadik with Ms.Neha Sule i/b Mahadik &
Associates for Respondent Nos.2 and 3.

Mr.Chandrakant Kamble, PI attached to Santacruz Police Station
is present.

WITH
CRIMINAL BAIL APPLICATION NO.4222 OF 2025

Naveenkumar R. Singh

...Applicant

V/s.

State of Maharashtra & Anr.

..Respondents

Mr.Sandeep Sherkhane with Mr.Parvez Inamdar for the
Applicant.

Mr.Mayur Sonawane, APP for the Respondent – State.

Mr.Bhushan Mahadik with Ms.Neha Sule i/b Mahadik & Associates for Respondent Nos.2 and 3.

Mr.Chandrakant Kamble, PI attached to Santacruz Police Station is present.

**WITH
CRIMINAL BAIL APPLICATION NO.4385 OF 2025**

Nagaraju Chinna Subbaiah Kande @
Kande Naga Raju Chinna Subbaiah
V/s.

...Applicant

State of Maharashtra

...Respondent

Mr.Aniket Nikam with Mr.Sumit Patil for the Applicant.

Mr.Prasanna Malshe, APP for the Respondent – State.

Mr.Bhushan Mahadik with Ms.Neha Sule i/b Mahadik & Associates for Respondent – Intervenor / First Informant / Original Complainant.

Mr.Chandrakant Kamble, PI attached to Santacruz Police Station is present.

CORAM : R.M. JOSHI, J.
DATE : 29TH APRIL, 2026.

P.C. :-

1. These applications arise out of the same crime and hence by consent of both sides, they are heard and decided together.

2. The Applicants seek bail in connection with Crime No.332 of 2025 registered with Santacruz Police Station for the offences punishable under Sections 316 (2), 61(2), 308(2), 306, 314, 316(4), 318(3), 351(3), 338 of Bhartiya Nyaya Sanhita, 2023 (BNS) with Sections 65, 66, 66(b), 66(c) and 66(d) of the Information and Technology Act, 2000 (IT Act).

3. In short, it is the case of the prosecution that on the basis of the FIR lodged by the security officer of the Company “Zen 24” dealing in the business of training pilots through simulator. There is allegation against the applicants that they have stolen data as well as accessories of simulator and used the same for the purpose of extorting money from the Company. During the course of investigation, statements of the witnesses came to be recorded who attributed certain specific acts against the Applicants. There is recovery of seven parts of the simulator from one of the Applicants Almaz Sayyad Iqbal Hussain under seizure panchanama dated 14th April, 2025. On conclusion of the investigation, chargesheet came to be filed against the Applicants.

4. Learned counsel for the Applicant - Naveenkumar R. Singh in Bail Application No.4222 of 2025 submits that herein this case there is absolutely no evidence on record collected during the course of investigation in order to consider the complicity of the Applicant in the crime. It Is contended that in such circumstances, once the chargesheet has been filed, the Applicant cannot be detained in the custody.

5. Learned counsel for the Applicant - Almaz Sayyad Iqbal Hussain in Bail Application No.4397 of 2025 submitted that there is nothing on record to indicate that Applicant committed theft of any part of the simulator, as alleged. It is his contention that the offence charged against the Applicant is punishable for not more than seven years imprisonment and as such there is conclusion of investigation. Hence he deserves bail.

6. Learned counsel for the Applicant - Nagaraju Chinna Subbaiah Kande @ Kande Naga Raju Chinna Subbaiah in Bail Application No.4385 of 2025 submits that the alleged statement of the security guard, who also can be seen to have committed crime in question, there is absolutely no other evidence in order

to show the involvement of the Applicant in this crime. It is his submission that the Investigating Agency has failed to prove any evidence during the course of investigation which could connect the Applicant with this crime. He also submits that since the offence is punishable for imprisonment of seven years, the Applicant cannot be retained in jail after filing of the chargesheet and not by way of pre-trial sentence.

7. It is also contended by the learned counsel for the Applicants that liberty of main accused has been protected by the interim relief granted in Anticipatory Bail Application by this Court. It is their contention that this shows there is no substance in the allegations against the Applicants.

8. As far as protecting the liberty of the co-accused in the Anticipatory Bail Application is concerned, first of all there is no order on merit granting bail. What had been done is during the pendency of the applications for pre-arrest bail, his liberty is protected. No benefit could be derived from the present Applicants from the pendency of the Anticipatory Bail Application filed by the co-accused.

9. Learned APP opposed all these applications by contending that the trial has already commenced before the Trial Court and considering the fact that there are about 10 to 12 witnesses and as such the trial would get over within a period of six months from today. It is argued that there is *prima-facie* evidence against the Applicants - Almaz Sayyad Iqbal Hussain and Nagaraju Chinna Subbaiah Kande @ Kande Naga Raju Chinna Subbaiah indicating their involvement in the crime.

10. Learned counsel for the Informant / Intervenor opposed the applications by contending that the circumstances in which all the accused persons resigned from the services of the Company create suspicion against them. He argued that there is evidence to show that Nagaraju Chinna Subbaiah Kande @ Kande Naga Raju Chinna Subbaiah, who was having restricted access to simulator, was seen entering the hall and taking away the articles therefrom as reflected in the statement of the security guard. It is his submission that there is however support to the said statement that recovery of seven parts from the co-accused - Almaz Sayyad Iqbal Hussain. Thus he argued that there is

enough evidence to reject the bail of the Applicants.

11. No doubt the trial has already commenced and the trial is likely to get over within a period of six months from today. At this stage, the Court is required to see as to whether there is any *prima-facie* evidence against the Applicant in order to deny bail to them on the ground that the trial would be completed in short period of time. As far as the Applicant - Naveenkumar R. Singh is concerned, *prima-facie* there is no evidence on record in order to accept his involvement in the crime in question. In such circumstances even though the trial is likely to get over within a period of six months from today, it would be unjust to keep this Applicant in jail. Since *prima-facie*, there is no evidence to indicate his involvement in the crime and as such the chargesheet has already been filed, this Applicant is entitled for bail.

12. Insofar as the Applicants - Nagaraju Chinna Subbaiah Kande @ Kande Naga Raju Chinna Subbaiah and Almaz Sayyad Iqbal Hussain are concerned, *prima-facie* evidence collected during the course of investigation indicates their involvement in

the crime. Though it is sought to be argued on behalf of the Applicant - Nagaraju Chinna Subbaiah Kande @ Kande Naga Raju Chinna Subbaiah that the statement of the security guard Nirajkumar cannot be considered as evidence against the Applicant, however, it is a matter of fact that Nirajkumar is not made as an accused and he is the witness of the prosecution. This Court therefore, finds no reason to discard his statement at this stage. *Prima-facie* perusal of his statement indicates that the Applicant - Nagaraju Chinna Subbaiah Kande @ Kande Naga Raju Chinna Subbaiah was found entering the simulator hall at odd hours and also seen taking away certain articles therefrom. Pertinently, seven parts were seized from the co-accused - Almaz Sayyad Iqbal Hussain. Thus there is *prima-facie* evidence in order to support the said statement of the security guard against the Applicant - Nagaraju Chinna Subbaiah Kande @ Kande Naga Raju Chinna Subbaiah.

13. Insofar as the Applicant - Almaz Sayyad Iqbal Hussain is concerned, there is seizure of seven parts of simulator belonging to the Informant Company reflected from the seizure

panchanama dated 14th April, 2025. *Prima-facie* no explanation is offered by the Applicant for possessing the said articles. Thus there is apparent evidence in order to show the involvement of these Applicants in the crime in question.

14. Considering the fact that the trial has already commenced and would get over within a period of six months from today and as there is *prima-facie* evidence indicating the involvement of these Applicants in the crime, this Court is not inclined to grant bail to these Applicants at this stage. Hence the following order :-

ORDER:

- a). Bail Application No.4222 of 2025 of the Applicant - Naveenkumar R. Singh stands allowed.
- b). The Applicant be enlarged on bail in connection with Crime No.332 of 2025 registered with Santacruz Police Station on furnishing PR bond of Rs.30,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court.
- c). The Applicant - Naveenkumar R. Singh to attend the Trial Court on each dates of hearing unless exempted by the

Trial Court.

d). Bail Application No.4397 of 2025 of Almaz Sayyad Iqbal Hussain and Bail Application No.4385 of 2025 of Nagaraju Chinna Subbaiah Kande @ Kande Naga Raju Chinna Subbaiah stand rejected.

e). In case the trial is not concluded within a period of six months from today as stated by the learned APP, it would be open for the above two Applicants to revive their application for bail.

15. It is clarified that above observations are *prima-facie* in nature and would not bind Trial Court / parties during trial.

(R.M. JOSHI, J.)