

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4854 OF 2025

Salman Ansari	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Pradosh Tiwari, for the Applicant.

Mrs. S. K. Gajare, APP, for the Respondent No.1- State.

Renuka Buwa, Assistant Commissioner of Police, L. T. Marg Police Station, Mumbai.

PSI Kalidas N. Dhware, L. T. Marg Police Station, Mumbai, is present.

CORAM: R. M. JOSHI, J.

DATED: 16th APRIL, 2026

PC:-

1. Applicant seeks bail in connection with Crime No. 211 of 2023 registered with L. T. Marg Police Station, Mumbai, for the offences punishable under Sections 395 and 120-B of the Indian Penal Code, 1860 (for short, "IPC"), under Section 142 of Maharashtra Police Act and under Sections 3(1(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (for short, "MCOCA").

2. In short, it is a case of the prosecution that on 27th March 2023 at about 5:30 p.m. an incident occurred in which the informant was robbed of cash of Rs. 1,70,000/-. It is alleged that two unknown person pushed him and two others forcibly

snatched the bag containing cash. All of them fled from the spot. On the basis of the said information, report came to be registered against four persons named therein. Admittedly Applicant is not named in the First Information Report. Thereafter, during the course of investigation, it was a case of the police that the offence involved in part of the organised crime syndicates, and therefore provisions of MCOC Act came to be attracted against the Applicant's and accused. Applicant was arrested on 28th March 2023. Now after completion of the investigation, chargesheet has been filed.

3. Learned Counsel for the Applicant submits that First Information Report clearly shows that the report came to be lodged only after seeing photographs shown to him. It is his submission that after due identification of four persons to the perpetrator of the crime, offence came to be registered against them. Applicant's name does not appear therein. It is his submission that except for the identification parade and the confessional statement of the Applicant, there is no evidence to connect him with this crime. It is his further submission that though Applicant has criminal history and three cases were registered against him, he is acquitted therein. It is his submission that last such offence was registered against him in the year 2014. It is also argued that co-accused Sarfaraj Salim Shaikh has been enlarged on bail by this Court in Bail Application No. 1682 of 2024 by order dated 18th June, 2025.

4. Learned APP opposes the application by pointing out C.C.T.V. footage indicating presence of the Applicant nearby the

spot. It is her contention that the Applicant has made statement under Section 27 of the Evidence Act and pursuant thereto a sum of Rs. 20,000/- is recovered. It is further pointed out that there is confessional statement recorded by the Competent Authority under the provisions of MCOC Act and as such there is evidence to show involvement of the Applicant in the crime. It is further pointed that Applicant has been identified by the informant in the Test Identification Parade. There is also asked to refused on the ground that the Applicant has criminal history.

5. *Prima facie* perusal of the record indicates that First Information Report shows involvement of four persons in the crime. It further indicates that before lodging of the First Information Report C.C.T.V. footage was perused so also the photographs of the regular criminals in the area were shown to the informant. On the basis of the said photographs, offence came to be registered against four persons by naming them. Admittedly Applicant has not been named in the First Information Report. In this backdrop, the C.C.T.V. footage does not indicate that Applicant has followed the informant nor there is any specific evidence indicating him to be the persons who robbed the informant. Though it is sought to be argued on behalf of the prosecution that there is identification parade conducted, as recorded in the First Information Report so also in the panchanama, the C.C.T.V. footage was available and was seen by the informant. In such circumstances the identification parade conducted subsequence thereto may lose its relevance.

6. Co-accused who is named in First Information Report has been granted bail by this Court by order dated 18th June 2025. Apart from the merit, bail came to be granted in view of the fact that the co-accused is in jail for a period over three years.

7. As far as recovery of Rs.20,000/- is concerned, there is no further evidence collected by the investigating agency in order to show that the said amount was the same which was robbed.

8. Insofar as antecedents against the Applicant are concerned, there were three crimes registered against him prior to 2014. He however, is acquitted there from. Thus, the same would not become impediment in granting bail by imposing appropriate conditions. Hence, order.

ORDER

- i) Criminal Bail Application stands allowed in connection with Crime No. 211 of 2023, registered with L. T. Marg Police Station, Mumbai, for the offences punishable under Sections 395 and 120-B of the Indian Penal Code, 1860, under Section 142 of Maharashtra Police Act and under Sections 3(1(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999.
- ii) The Applicant be enlarged on bail, on furnishing P. R. Bond of Rs.25,000/- with one or more sureties in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicant shall not tamper with the prosecution evidence or attempt to contact, influence, threaten, or intimidate any witness, particularly the informant or his family members, in any manner whatsoever.

- iv) The Applicant shall report to L. T. Marg Police Station, Mumbai, on the first Monday of every month between 10:00 a.m. to 12 noon, until further orders from this Court or the Trial Court.
- v) The Applicant to attend all dates of hearing before the Trial Court, unless exempted by specific order.
- vi) The Applicant shall not leave the jurisdiction of the Trial Court without obtaining prior written permission of the said Court.
- vii) The Applicant shall not indulge in any criminal activity or commit any offence during the pendency of the trial.
- viii) The Applicant shall furnish his current residential address and contact number to the Investigating Officer as well as to the Trial Court at the time of furnishing surety, and shall inform them in writing of any change in address or contact details.
- ix) It is made clear that any breach of the above conditions shall entitle the prosecution to move an application for cancellation of bail, and such application shall be considered on its own merits.

9. In view of the above, Application stands allowed and disposed of accordingly.

10. It is clarified that the above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the final hearing of the Trial Case.

(R. M. JOSHI, J.)

VDMokal/-