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

CRIMINAL BAIL APPLICATION NO.4930 OF 2025

Atique Ahmed Mohammad Yakub : Applicant.

Versus.

The State of Maharashtra : Respondent.

Mr. Mahendra N Sandhyanshiv i/by Adv. Vikas Mourya for the Applicant.

Mr. Shishir Hiray, Special PP a/w Mrs. Rajeshree Newton, APP for the Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 30 APRIL 2026

PC:-

1. This Criminal Bail Application No.4930 of 2025 is listed at Sr. No.901 on today's supplementary board along with Bail Application Nos. 3994/2025, 4003/2025, 4449/2025, 4523/2025, 4522/2025, 4724/2025 and 4721/2025. At the request of the learned Advocates for the parties, Criminal Bail Application No.4930 of 2025 is de-tagged from Bail Application Nos. 3994/2025, 4003/2025, 4449/2025, 4523/2025 4522/2025, 4724/2025 and 4721/2025, and is taken up for hearing.

2. Heard Mr. Mahendra Sandhyanshiv, learned Advocate for the Applicant and Mr. Shishir Hiray, learned Special PP for Respondent/State.

3. By this Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Applicant seeks bail in FIR No. 40 of 2025 registered at Chhavani Police Station, Malegaon City, District Nashik, for offences punishable under Sections 318(4), 336(3), 340(2), 61(2), and 338 of the Bharatiya Nyaya Sanhita, and Sections 8 and 11 of the Prevention of Corruption Act, 1988 ("said FIR"). The said offence is registered as Special Case No. 84 of 2025 and is pending before the Additional Sessions Judge, Malegaon, District Nashik.

4. There are 22 Accused in the said FIR. The Applicant herein is Accused No.14

5. The Applicant was arrested on 22 February 2025 and has been in jail since then. The Bail Application at Exhibit 24, filed by the Applicant in Special Case No.84 of 2025, was rejected by the Additional Sessions Judge on 25 April 2025

6. Mr. Mahendra Sandhyanshiv learned Advocate for the Applicant, submits that the allegations against the Applicant are that the Applicant worked as an agent and carried on the business of assisting people in obtaining birth certificates by accepting an amount for the said service. He states that Khalid Akhtar Mohammed Yusuf (Accused No.4), against whom similar allegations of preparing false documents without the deponents' presence and forging their signatures for monetary gain have been made in the FIR, has been released on Anticipatory bail by the Hon'ble Supreme Court in Special

Leave to Appeal (Crl) No.4952 of 2025, by order dated 09 July 2025. He submits that Accused Nos. 7 and 9 in the present FIR have been released on Regular bail by this Court. He submits that the roles assigned to Accused Nos. 4, 7 and 9 are similar to the Applicant's. He submits that, being similarly placed, the Applicant is seeking bail on the ground of parity.

7. Mr. Shishir Hiray, learned Special PP for the Respondent/State, submits that the material on record is sufficient to indicate the Applicant's involvement in the present crime. He further submits that, although the allegations against the present Applicant are similar to those made against Accused Nos. 4, 7 and 9, the difference, as far as the Applicant's role herein is concerned, is that the Applicant is involved in the act of fabricating documents.

8. Mr. Mahendra Sandhyanshiv, learned Advocate for the Applicants, states that the Applicant has no criminal antecedents. To clarify, he states that apart from the offences which are the subject matter of the present crime and the connected CRs, the Applicant has no criminal record. Mr. Shishir Hiray, learned Special PP for the Respondent/State, does not contest the said statement made by Mr. Mahendra Sandhanshiv, learned Advocate for the Applicant.

9. Heard Arguments. Perused the record.

10. Perusal of the chargesheet and more specifically, the allegations against Khalid Akhtar Mohammed Yusuf (Accused

No.4) and the Applicant, prima facie, suggests that the allegations are similar and that the role assigned to the Applicant is identical to that assigned to Khalid Akhtar Mohammed Yusuf (Accused No.4). Applicant has been in jail for more than 1 one year. Charge is not framed till date in Special Case No.84 of 2025. In such circumstances, Mr. Mahendra Sandhanshiv would be justified in seeking bail on the principle of parity.

11. Mr. Shishir Hiray submits that strict conditions may be imposed, including a condition that the Applicant should not enter Malegaon City/Malegaon Tahsil until the conclusion of trial.

12. Mr. Mahendra Sandhanshiv, on instructions from the Applicant, states that until the conclusion of Special Case No.84 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. 40 of 2025 registered with Chhavani Police Station, Malegaon City, District Nashik, for the offences punishable under Sections 318(4), 336(3), 340(2), 61(2), and 338 of the Bharatiya Nyaya Sanhita and under Sections 8 and 11 of the Prevention of Corruption Act, 1988, on

executing a P.R. 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, in order to dissuade him 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 Chhavani Police Station, Malegaon City, District Nashik, and shall keep this information updated in case of any changes.
- E] The Applicant shall surrender his passport, if any, to the Investigating Officer at Chhavani Police Station, Malegaon City, District Nashik within three days of his release.
- F] The Applicant shall report to the Investigating Officer of Chhavani Police Station, Malegaon, District Nashik, on the 2nd Saturday of every month from

10.00 am to 12.00 pm, commencing from the month of May 2026. till further orders from the Additional Sessions Judge, Malegaon, District Nashik.

G] The Applicant shall not enter the territorial jurisdiction of Malegaon City/Malegaon Tahsil until the conclusion of Special Case No.84 of 2025, except for reporting to the Investigating Officer and/or attending the day-to-day hearings in Special Case No.84 of 2025.

H] The Applicant shall attend each hearing date in Special Case No.84 of 2025 regularly, unless exempted.

14. The Criminal Bail Application No.4930 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)