

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1738 OF 2026

Abdul Ajij @ Papa Aleem Akhtar Aaga

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Priyal G. Sarda along with Mr. Shubham S. Sane, Advocate for Applicant.

Mr. S. R. Agarkar, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th MAY, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 238 of 2024 registered with Sangvi Police Station, Pimpri-Chinchwad, for the offences punishable under Sections 302, 120-B read with Section 34 of the Indian Penal Code 1860, Section 37(1)(3) read with Sections 135 and 142 of the Maharashtra Police Act, Sections 3(25)(27) of the Indian Arms Act, Sections 3 and 7 of Criminal Law Amendment Act and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

2. It is prosecution's case that on 29th May 2024, the applicant and co-accused committed murder of first informant's friend by firing at him. The allegations against the applicant are that he conspired with the

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co-accused to commit the murder of the deceased. It is alleged that the applicant is one of the member of the gang headed by co-accused Saurabh Ghute and he was actively involved in commission of the present crime by keeping watch on the deceased.

3. It is contention of learned counsel for the applicant that the applicant was not present at the incident spot. To prove the allegations of conspiracy and keeping watch on the deceased, evidence is required. The co-accused -Jitesh @ Munna Ravindra Jagtap and Mayur Nitin Avchare, having similar roles, have been released on bail. The applicant is behind bars for more than 1 year and 11 months. It may take time to conclude the trial, and requested to allow the applications.

4. It is contention of the learned APP that the applicant conspired with co-accused to kill the deceased. Accordingly, the co-accused fired shot and murdered deceased.. The applicant was keeping watch on the deceased, and he gave a tip to the co-accused, and accordingly the deceased was attacked. The applicant was a part of the conspiracy to kill the deceased. If the applicant is released on bail, he may abscond or threaten the prosecution witnesses, and requested to reject the application.

5. I have heard all learned counsel, perused charge-sheet and documents produced on record. The allegations against the applicant are of conspiracy and keeping watch on the deceased. To prove the role of the

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applicant in the crime, evidence is required. The applicant has not committed any offence with the gang leader. The applicant is behind bars for more than 1 year and 11 months. There is no progress in the trial. Considering these facts, I pass following order:

ORDER

- (i) The applicant be enlarged on bail in Crime No. 238 of 2024 registered with Sangvi Police Station, Pimpri-Chinchwad, on executing P.R.Bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station as and when required.
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

The application is allowed in the aforesaid terms and is 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.)