

MHAH070002272026



ORDER BELOW EXH-1 IN CRI. BAIL APPLICATION

NO.76/2026.

(Salman Akbar Pathan Vs. The State of Maharashtra)

.....
Cr.No.118/2026 of Sangamner City Police Station, u/s. 310(4), 310(6) & 111 of B.N.S.
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The applicant Salman Akbar Pathan, accused of preparation for dacoity and organized crime, has prayed for regular bail.

2] It has been alleged that the Sangamner City Police received a secret information about suspicious presence of few persons near Kolhewadi road of Sangamner city. At around 2:30 a.m. the police went to the said spot and found 6 persons suspiciously standing near motorbikes at Kolhewadi road. They started running away after seeing the police. Five of them were caught by the police while one managed to get away. They were unable to tell the reason behind their presence at odd hours. They did not properly answer the questions of the police. Upon their body search the police found objection articles like; chopper, gupti, plier, spanner and chilly powder. Hence, the applicant and the other accused were taken to the police station and arrested. The co-accused being history sheeters, the investigation officer later invoked Section 111 of the B.N.S.

3] It has been submitted on behalf of the applicant that he is innocent and that he has been implicated on the basis of false information. He claims to have no criminal antecedents and

undertakes to attend case dates regularly, once admitted to bail.

4] The application has been resisted by the I.O.(Exh.10) and the Ld. A.PP. (Exh.7) mainly on the grounds that the alleged offence is serious in nature, that the investigation is incomplete, that several serious offences are pending against the co-accused, that several stolen motorcycles have been seized from the co-accused etc.

5] Heard both the sides. The alleged offence is undoubtedly serious. Punishment for the alleged offence is between 5 years upto life imprisonment. However, segregation of the material allegations against the various accused, reveals that history sheeters are only the co-accused Salim Akbar Pathan, Halim Akbar Pathan and Anmol Kuranwashi Chavan and not the applicant. As per say Exh.No.10, spanners worth Rs.150/- were found in possession of the applicant.

6] There is not a single previous offence against the applicant. There is no allegation that any stolen property was found in his possession. During investigation the police are said to have recovered several stolen motorcycles from the co-accused Salim Pathan. Nothing has been recovered from the applicant. There has been no progress in investigation despite securing 5 days police custody of the applicant. The invocation of Section 111 of B.N.S. may be justifiable in case of the co-accused but not in the case of the applicant. There being no criminal antecedents and the applicant being a local resident, securing his presence before the police as well the Court should not be a problem. Whatever the remaining investigation with regard to him, can be carried out by enforcing his attendance at the police station. Bail can not be denied only because

of this one incident of applicant's alleged association with the co-accused who may be history sheeters at the police station. I am therefore, convinced to admit the applicant to regular bail.

Order

- (i) The application is hereby allowed.
- (ii) The applicant Salman Akbar Pathan, [accused in Cr.No.118/2026 of Sangamner City Police Station] be released on bail upon his furnishing a PRB & SB of ₹ 25,000/-, on the following conditions:
 - (a) The applicant shall attend Sangamner City Police Station for continuous 07 days from the date of his release, at such time as may be required by the IO and even thereafter as and when required by the IO;
 - (b) The applicant shall not indulge in any sort of activities that tend to pressurize the witnesses or tamper with the evidence.
 - (c) The applicant shall attend in accordance with the conditions of bond executed under Ch. XXXIII of Cr.P.C.
- (iii) Bail before the Ld. JMFC, Sangamner.

Date :04.04.2026
Place : Sangamner

(Vivek B. Gavhane)
Addl. Sessions Judge,
Sangamner.