

MHNS070016972023



**ORDER BELOW EXHIBIT NO.101**  
**IN SESSIONS CASE NO.96/2023**  
**VADNER KHAKURDI POLICE STATION C.R.NO.131/2023**  
**SADIK YUSUF PATEL VS STATE OF MAHARASHTRA**  
**( PASSED ON 25<sup>th</sup> DAY OF MARCH, 2026 )**

This successive bail application is on behalf of the applicant/accused No.1 – Sadik Yusuf Patel vide Section 483 of the Bhartiya Nagrik Surksha Sanhita, 2023 (BNSS) to enlarge him on bail.

2. This application is strongly opposed on behalf of prosecution as per reply Exh.102.

3. Points for the determination and my findings thereon for the reasons stated below ;

<b>SR. NO.</b>	<b>POINTS</b>	<b>FINDINGS</b>
I.	Whether the successive application for bail is maintainable?	Yes.
II.	Whether grounds are justified to release the applicant/accused on bail vide Section 483 of the BNSS ?	Yes.
III.	What Order ?	The Application is allowed.

## **REASONS**

4. Perused application, say filed. Heard learned advocate for the applicant/accused Shri. M.D. Hiray and learned A.P.P Shri. A.N. Pagare for State.

### **AS TO POINTS NO. I AND II :**

### **BRIEF FACTS OF PROSECUTION :**

5. The informant Abdul Salam Nijamuddin Khan is a labourer in a company of owner. His owner has sent him for collection of outstanding dues. On 25.4.2023 the owner namely Halim Khan has sent him to collect dues from the customer. The informant was with his relatives Nihaj Ahmed on a motor-cycle. The informant and his relative have collected money from the customers and the said amount was kept in a bag. They were on the way of return at about 3.30 p.m. that time one Bolero vehicle came from rear side and dashed to the motor-cycle. The other persons came on a motor-cycle and took out bag containing Rs.16,93,500/- and fled away.

6. On that count, the informant lodged the report dated 25.4.2023 at Police Station, Vadner Khakurdi. The Police Station officer, Vadner Khakurdi registered Crime No.131/2023 for the offence under Section 394 read with section 34 of the Indian

Penal Code against unknown person. Later on involvement of present applicant/accused No.1 and other accused is made out. Thereafter, investigating officer added section 395, 120-B of the IPC.

7. The applicant/accused was arrested on 28.4.2022 and produced before the Court. He was remanded to police custody till 8.5.2023 and then remanded to judicial custody till date. The applicant/accused is presently in judicial custody.

**NOTICE TO VICTIM :**

8. In the light of directions of Hon'ble Apex court in the case of **Jagjeet Singh V/s. Ashish Mishra @ Monu in Criminal Appeal No.632/2022 Dated 18.04.2022**, a victim is entitled to be heard at the stage of adjudication of bail application of accused. Relying upon these observations, the notice is issued to the informant. The informant served with notice but failed to appear. The informant as per the report is at Indor, Madhya Pradesh State and has not chosen to attend for hearing of this application.

**MAINTAINABILITY OF SUCCESSIVE APPLICATION -**

9. Pursuant to the charge-sheet, earlier the application for bail after charge-sheet on behalf of this applicant was moved

vide Exh.8 dated 8.5.2023 and the said application is dismissed by my learned predecessor as per order dated 8.5.2023. Thereafter, second bail application was moved by present applicant vide Exh.53 and the said application is dismissed as per order dated 21.10.2023. Hence the present application for bail is successive application after charge-sheet.

10. After rejection of above bail application on 21.10.2023, then the present application is filed on 10.03.2026 after a period of 2 years 4 months 17 days of the rejection of earlier bail application.

11. At this stage, it is relevant to cite the observation of Hon'ble Apex Court in the case of **Kalyan Chandra Sarkar V/s. Rajesh Ranjan @ Pappu Yadav AIR 2005 SUPREME COURT 921** that, *'even though there is a room for filing a subsequent bail application in cases where earlier applications have been rejected, the same can be done if there is a change in the fact situation or law which requires the earlier view being interfered with or where the earlier finding has become obsolete. This is the limited area in which an accused who has been denied bail earlier can move a subsequent application.'*

12. Relying upon this observation applied to the facts of present case, it appears that applicant is behind bar for than 3

years. The hearing of this prosecution is commenced. The charge is framed against all accused vide Exh.65 on 18.1.2025. Thereafter, the prosecution has examined in all 8 witnesses.

13. Prosecution examined informant on 25.6.2025 and the said informant has not supported to the case of prosecution. The last witness is examined on 23.12.2025. Thereafter, the summons were issued to the witnesses however prosecution failed to secure their presence.

14. On the backdrop of this factual position, the present application for bail is moved. In the light of examination of above witnesses and the informant has not supported to the case of prosecution also the prosecution is not able to secure the presence of witnesses for considerable period as such the applicant is lying behind bar as a long incarceration. Therefore, it amounts to change in circumstance to present this successive application for bail. Hence, I answer Point No. I in the affirmative.

**WHETHER GROUNDS OF BAIL ARE MADE OUT ?**

15. As observed above, the successive application for bail is maintainable. The applicant is behind bar for more than 3 years. The informant has not supported to the case of prosecution. Further the witnesses PW-2, PW-3, PW-7 and PW-8

have not supported to the case of prosecution. The prosecution is not able to secure the presence of witnesses despite full and sufficient opportunity. The last witness is examined on 23.12.2025. The rest accused are on bail.

16. On the backdrop of this factual position, further detention of this applicant behind bar is unwarranted. The present applicant has firm roots in the society as such there is no chance of fleeing from justice. Though the applicant has criminal antecedents however parameters for grant of bail are made out as such his criminal antecedents are the hurdle in grant of bail to him. On all these grounds, further detention of this applicant behind bar is unwarranted. The applicant deserves for bail. I answer Point No.I in the affirmative. With this, I pass following order ;

**ORDER**

1.	The application Exh.101 for regular bail vide section 483 Bhartiya Nagrik Surksha Sanhita, 2023 on behalf of the applicant/accused No.1 – Sadik Yusuf Patel is allowed.
2.	The applicant/accused be released on bail on furnishing P.R. and S.B. of Rs.50,000/- (Rs. Fifty Thousand) with one surety in the like amount on the following terms and conditions ;

i.	The applicant/accused shall assist to Investigating Officer whenever called under written intimation.
ii.	The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the accusations against him so as to dissuade him from disclosing such facts to the Court or to any police officer.
iii.	The applicant/accused shall not tamper prosecution evidence in any manner.
3.	A soft copy of this bail order be forwarded to the applicant/accused through Superintendent, Central Jail, Nashik road by e-mail for information in view of observation of <b>Hon'ble Apex Court in the case of In Re Policy Strategy For Grant of Bail in SMWP (CRIMINAL) NO.4/2021, Dated 31.01.2023.</b>
4.	Inform to concerned Police Station accordingly.
	Dictated and pronounced in Open Court.

**Place : Malegaon, Nashik.**

**Date : 25.03.2026.**

**( K.G. Paldewar )  
Additional Sessions Judge,  
Malegaon, Dist. Nashik.**

Arguments heard on	24 <sup>th</sup> Day of March, 2026.
Judgment/Order delivered on	25 <sup>th</sup> Day of March, 2026.
Dictated on	25 <sup>th</sup> Day of March, 2026.
Transcribed on	25 <sup>th</sup> Day of March, 2026.
Checked and signed on	25 <sup>th</sup> Day of March, 2026.

**CERTIFICATE**

I affirm that the contents of this PDF file Judgment/Order is same and as per the original Judgment/Order.

Name of the Stenographer : N.D. Patil,  
Name of the Court : Additional Sessions Court,  
Malegaon  
Date of Judgment/Order : 25.03.2026.  
Judgment/Order signed on : 25.03.2026.  
Presiding Officer : K.G. Paldewar  
Judgment/Order uploaded on : 25.03.2026.