

MHPU010015642025

SESSIONS CASE NO. 63/2025



The State of Maharashtra Through
Hinjawadi Police Station Vs Akhtar Anis
Khan & Ors.

A. CASE DETAILS

1. FIR Number and Date 1095/2024
dated 27/09/2024
2. Police Station, District and State Hinjawadi Police Station,
Pune.
3. Sections invoked u/s. 310(2), 316(2),
61(2) & 3(5) of Bhartiya
Nyaya Sanhita, 2023.
4. Maximum punishment prescribed Upto 10 years.

B. CUSTODY AND PROCEDURAL COMPLIANCE

- 1 Date of arrest 17/10/2024
- 2 Total period of custody undergone Till date.

C. STATUS OF TRIAL

1. Stage of proceedings Hearing
(investigation/chargesheet/cognizance/
framing of charge/trial)
2. Total No of witnesses cited in the 36
chargesheet
3. Number of prosecution witness NA
examined

D. CRIMINAL ANTECEDENTS

- 1 FIR No. and Police Station NA
- 2 Sections NA

3 Status (pending/acquitted /convicted) NA

E. PREVIOUS BAIL APPLICATIONS

1 Court	District and Sessions Court,Pune.
2 Case No.	S.C. No. 63/2025 In CR 1095/2024
3 Outcomes of Case	(Exh.10) Rejected on 22/05/2025.

F. COERCIVE PROCESSES

1 Whether any non-bailable warrant was issued	NA
2 Whether declared a proclaimed offender	NA

 Appearance:- Mr. Ibrahim Shaikh for applicant/Accused No.9.
 Mr. Varma Ld. APP for State

ORDER BELOW EXH.73 (Date : 2nd July, 2026)

1. By way of the present successive bail application, the Applicant/Accused No. 9 – **Sandip Chatur Nikumbh** has sought grant of bail in connection with C.R. No. 1095/2024 registered with Hinjewadi Police Station for the offences punishable under Sections 310(2), 316(2), 61(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023. The ground urged is that the Hon'ble High Court has granted bail to co-accused Akhilesh Shriram Chaudhary, and the present Applicant, being similarly placed and having an identical role attributed to him, is also entitled to bail on the principle of parity.

2. The Prosecution has filed its say and has opposed the bail application on the ground that the role of the Applicant and that of the co-accused who has been enlarged on bail are completely different. It is further submitted that the predecessor of this Court has already considered and decided the Applicant's first bail application on its own merits, and there is no change in circumstances warranting consideration of the present successive bail application.

3. I have heard the learned Advocate for the Applicant and learned APP for the State. Perused the record.

4. Pertinently, the learned predecessor of this Court, by a common order dated 22.05.2025 passed below Exhibit-1, decided the bail applications filed by the accused persons, including the present Applicant, subsequent to the filing of the charge-sheet. While rejecting the prayer for bail of the present Applicant, the learned predecessor Court, in Paragraph 12 of the aforesaid order, observed as under:

12. However role of applicant Sandip Nikumb founds to be major role in this crime, an amount of Rs.74,00,000/- and Innova Car used in this crime have been recovered from him and amount of Rs.6,00,000/- which he had given to witness Mahesh Sawant has been recovered.

The learned predecessor Court vide para 11 has observed as under:

11. Perused the charge-sheet and say filed by the prosecution. From documents it can be seen that allegations against some of the applicants regarding their involvement in the conspiracy and some of the accused who had actually executed the dacoity and thereafter they all meet at Hotel at Nandipalace at Dombivali and those are Sandip Nikumb, Ajay Walmiki, Siddharth Rakshe,

Shahnawaz Memon, Amol Kharat and Atish Pol and co-accused Kalayan Guru, Khalid Sayyad and Ibrahim Sayyad. Further it is seen from the documents that cash amount have been recovered from Sandip Nikumb, Ajay Walmiki, Siddharth Rakshe, Shahnawaz Memon, Atish Pol and Akhilesh Choudhary. This shows that these applicants had played important role and have received amount of which robbery is committed and these accused had played major role in actual committing dacoity.

The learned predecessor Court in concluding para 13 of the said order observed as under:

13. However role of other applicants are major. Apart from it, there is recovery of amount from them, further they found to be together in Hotel Nandi Palace where meeting for distribution of amount has been taken place. These accused have actually taken part in the dacoity. There is strong prima facie evidence against these applicants. Therefore in my view these applicants are not entitled for bail.

5. The learned Advocate for the Applicant has vehemently argued that the Hon'ble High Court has granted bail to co-accused Ajay Jaypal Valmiki, and therefore, the Applicant is also entitled to bail on the principle of parity. The learned Advocate has further placed reliance upon the following decisions of the Hon'ble Superior Courts:

1] Bhim Singh Yadav vs. Directorate of Enforcement Government of India reported in Criminal Appeal No. 4407 of 2024, dated 25.10.2024.

2] Yogesh Shivaji Pardeshi and Ors. vs. The State of Maharashtra reported in Bail Application No. 1792 of 2022 dated 46.12.2022.

3] Sanjaybhai @ Samir @ Hs Himatbhai @ Maheshbai Valjibhai Gohil vs. The State of Gujarat reported in CRLMA No. 7663 of 2028 dated 08.01.2019.

4] Dhanraj Ketu Adole vs. The State of Maharashtra reported in criminal Appeal No. 1276 of 2019 dated 29.10.2020.

6. I have carefully perused the ratio laid down in the aforesaid decisions. The cited judgments enunciate the principle that where a co-accused, similarly placed in the commission of the alleged offence, has been enlarged on bail, another accused in the same crime who has played an identical role is also entitled to bail on the ground of parity.

7. However, with utmost respect, the role attributed to the present Applicant is entirely distinct from that of co-accused Ajay Jaypal Valmiki. The learned predecessor Court has duly taken into consideration the respective roles played by both the accused in the commission of the alleged offence and, upon such consideration, rejected their bail applications.

8. I have also perused the order dated 13.01.2026 passed by the Hon'ble High Court in Criminal Bail Application No. 2761 of 2025, whereby co-accused Akhilesh Shriram Chaudhari was enlarged on bail. The Hon'ble High Court, in Paragraph 6 of the said order, has observed as under:

6. The co-accused Mahesh Hotkar having similar allegations have been released on bail. Considering these facts, the Applicant is entitled for bail on principle of parity and I pass following order.

9. As discussed hereinabove, the role of the present Applicant and that of the released co-accused Ajay is entirely distinct. Further, as observed by the learned predecessor Court, a sum of Rs. 10,00,000/- was recovered from co-accused Ajay at the instance of the present Applicant.

10. Considering that the learned predecessor Court, while rejecting the Applicant's first bail application vide order dated 22.05.2025, has duly taken into account the role played by the present Applicant and has categorically observed that the Applicant is the prime accused who actually participated in the dacoity, and that there exists strong prima facie evidence against him.

11. For the foregoing reasons, and in the absence of any substantial change in circumstances being brought on record by the Applicant subsequent to the rejection of his first bail application, the Applicant is not entitled to be enlarged on bail. Hence, following order:-

ORDER

1. Application (Exh.73) stands rejected.
2. Inform the Police Station concern and Jail Authority by sending a copy of this order.
3. In terms of above, application (Exh.73) stands disposed.

(Dictated and pronounced in open Court.)

Date : 02/07/2026.

(S.B. Bhansali)
Additional Sessions Judge,
Pune

Certificate

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno. :- V. A. Chaudhari (Steno, Grade-I)

Court Name :- S. B. Bhansali
D.J.-4th & Addl. Sessions Judge, Pune.

Date :- 02/07/2026

order signed by PO. on :- 02/07/2026

order uploaded on :- 02/07/2026