

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

**CRIMINAL BAIL APPLICATION NO.1603 OF 2026**

Mohammed Amin Mohammed Hasan : Applicant  
Versus.  
The State of Maharashtra : Respondent.

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Mr. Mateen Shaikh a/w Advocates Muskan Shaikh, Shoaib Shaikh, Shahid Nadeem, Odhi and Ejaz Shaikh for the Applicant.

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

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**CORAM : ASHWIN D. BHOBE, J.**

**DATED : 30 APRIL 2026**

**PC:-**

1. This Criminal Bail Application No.1603 of 2026 is listed at Sr. No.903 on today's supplementary board along with Bail Application Nos. 1768/2026, 3962/2025, 4339/2025 and 4860/2025. At the request of the learned Advocates for the parties, Criminal Bail Application No.1603 of 2026 is de-tagged from Bail Application Nos. 1768/2026, 3962/2025, 4339/2025 and 4860/2025, and is taken up for hearing.

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

3. Applicant, by this Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is before this Court seeking bail in FIR bearing CR No.103 of 2025, dated 10 June 2025, registered with Killa Police Station, Dist. Nashik, for offences punishable under Sections 318(4), 336(3), 340(2), 338 r/w Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, as well as Sections 8 and 11 of the Prevention of Corruption Act, 1988 ("FIR"). Mr. Mateen Shaikh, learned Advocate for the Applicant, states that the FIR is registered as Special Case No.186 of 2025 and is pending before the Additional Sessions Judge, Malegaon, District Nashik.

4. There are 269 Accused in the said FIR. The Applicant herein is Accused No.222.

5. The Applicant was arrested on 09 September 2025 and has been in jail since then. Bail Application Exhibit 98 filed by the Applicant in Crime No.103 of 2025 was rejected by the Additional Sessions Judge, Malegaon on 23 March 2026.

6. Mr. Mateen Shaikh, learned Advocate for the Applicant, submits that the role of the Applicant in the present crime is of having helped the persons in obtaining birth certificates by taking consideration of Rs. 1500/- to Rs. 3000 in cash. He submits that the sum and substance of the allegations against

the Applicant herein are of having acted as an agent in procuring birth certificates. He submits that in similar and identical circumstances, Bhagirath Shriram Chaudhary (Accused No.20) and Sageer Ahamad Mohammad Yakub (Accused No. 221) have been released on bail by this Court. He submits that another Accused Khalid Akhtar Mohammed Yusuf (Accused No.195 in the present crime), who is also involved in similar offences which are registered as FIR No.40 of 2025 and FIR No.51 of 2025, is granted anticipatory bail by the Hon'ble Supreme Court as well as by this Court. He submits that the Applicant has no criminal antecedents. He submits that the Applicant has been in jail in the offence charged in the FIR for 8 months. He, therefore, prays for bail on the ground of parity.

7. Mr. Shishir Hiray learned Special PP for the Respondent/State, on instructions from the Investigating Officer in FIR No.103 of 2025 registered as Special Case No.186 of 2025, states that the Applicant has acted as an agent in the present crime and that his role is similar to that of Bhagirath Shriram Chaudhary and Sageer Ahamad Mohammad Yakub (Accused Nos. 20 and 221 in the present crime). He does not dispute that the co-accused Khalid Akhtar Mohammed Yusuf (Accused No.195 in the present crime) has been granted anticipatory bail by the Hon'ble Supreme Court in FIR No.40 of 2025 and ad-interim anticipatory bail by this Court in FIR No.51 of 2025. Again, on instructions from the Investigating Officer, submits that no criminal antecedents are

found in respect of the Applicant. He further submits that all birth certificates, which are the subject matter of the present crime, have been cancelled by the competent authority.

8. Heard arguments. Perused the record.

9. The role assigned to the Applicant in the present crime is that of an agent who facilitated persons in obtaining birth certificates by accepting cash consideration. Bhagirath Shriram Chaudhary and Sageer Ahamad Mohammad Yakub (Accused Nos. 20 and 221 in the present crime), against whom similar allegations are made in the FIR, are released on bail. Khalid Akhtar Mohammed Yusuf, who is Accused No. 195 in the present crime and against whom similar offences were registered in FIR No. 40 of 2025 and FIR No. 51 of 2025, is granted anticipatory bail in the said two crimes. Khalid Akhtar Mohammed Yusuf (Accused No.195) is not arrested in the present crime.

10. There are 269 accused in the present crime. The charge is not framed to date. Mr. Mateen Shaikh, learned Advocate for the Applicant, states that the prosecution has listed 109 witnesses in the present crime. Mr. Mateen Shaikh, learned Advocate for the Applicant, submits that the Applicant was arrested on 13 February 2025 in connection with FIR No.40 of 2025 and was taken in custody in the present crime on 09 September 2025. He therefore submits that, technically, the Applicant is in jail for a continuous period of more than 1 year and 3 months.

**11.** Considering the facts stated herein above and the statement of Mr. Shishir Hiray, learned Special PP for the Respondent/State, that the role assigned to the Applicant in the present crime is similar to the role assigned to Bhagirath Shriram Chaudhary and Sageer Ahamad Mohammad Yakub (Accused No.20 and Accused No.221 in the present crime), the Applicant herein would be entitled to be released on bail on the principle of parity.

**12.** Mr. Shishir Hiray, learned Special PP for the Respondent/State, submits that strict conditions be imposed, including a condition that the Applicant should not enter Malegaon City or Malegaon Tahsil until the conclusion of trial.

**13.** Mr. Mateen Shaikh, learned Advocate for the Applicant, on instructions from the Applicant, states that until the conclusion of trial in Special Case No.186 of 2025, the Applicant shall not enter the jurisdiction of Malegaon City/Malegaon Tahsil. Statement accepted.

**14.** 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. 103 of 2025 registered with Killa Police Station, Malegaon City, District Nashik, for the offences punishable under Sections 318(4), 336(3), 340(2), 338 r/w Section 3(5) of the BNS, 2023, 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, to dissuade such person 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 Killa Police Station, Malegaon City, District Nashik and shall keep this information updated in case of any changes.
- E] Applicant shall surrender his passport, if any, to the Investigating Officer at Killa Police Station, Malegaon City, District Nashik, within three days of his release.
- F] Applicant shall report to the Investigating Officer of Killa Police Station, Malegaon, District Nashik, on the 2<sup>nd</sup> 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] Applicant shall not enter the territorial jurisdiction of Malegaon City/Malegaon Tahsil till the conclusion of trial in Special Case No.186 of 2025, except for reporting to the Investigating Officer and/or attending the day-to-day hearings in Special Case No.186 of 2025.
- H] Applicant shall attend each hearing date before the Trial Court in Special Case No.186 of 2025 regularly, unless exempted.

**15.** The Criminal Bail Application No. 1603 of 2026 is disposed of.

**(ASHWIN D. BHOBE, J.)**