

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.106 OF 2025

Mohammad Said Shaikh

.. Applicant

Versus

State of Maharashtra

.. Respondent

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- Mr. Sarthak Chowdhury a/w. Mr. Rajdeep Lahiri, Advocates i/by Arihant Associates for Applicant.
- Mr. Mayur S. Sonavane, APP for Respondent – State of Maharashtra.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 14, 2025

P.C.:

1. Heard Mr. Chowdhury, learned Advocate for Applicant and Mr. Sonavane, learned APP for Respondent – State of Maharashtra.

2. This is an Application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Anticipatory Bail in connection with First Information Report No.443 of 2024 registered with R.A.K. Marg Police Station.

3. Applicant before me is owner of a chicken shop for past 15 years and carrying out business therein at R.A.K. Marg, Sewree. He is allegedly indicted in a case of trespass and robbery under Sections 309, 333 and 3(5) of Bharatiya Nyaya Sanhita, 2023 on knife point by unknown persons which occurred on 29.11.2024. The case of Complainant is that he was robbed of his hard earned money of

Rs.5,00,000/- from his dwelling room No.1007 in Stellar Mansion building.

4. Thereafter pursuant to investigation two persons have been investigated namely Husain Aslam Memon and Chandpasha Ahmed Shaikh. Neither of these two arrested persons have named the Applicant. Story of the prosecution as can be seen from Remand note appended at page No.45 is that there is a silver colour Hyundai i10 car in question bearing No.MH-03-AR-8238 and it is alleged that Applicant is owner of that car. Remand note shows that initially this car was owned by Ejaj Habib Jariwala who sold it to Adnan Yusuf Shaikh and Adnan Yusuf Shaikh sold it to present Applicant. Mr. Chowdhury informs the Court that he has not transferred the car as yet and the same is seized.

5. In so far issue of present crime which occurred on 29.11.2024 is concerned and its *prima facie* linkage, role of Applicant in the said crime is not established from Remand note and record of the case. Hence, Applicant has made out clear case for grant of Anticipatory Bail. Needless to state that Applicant shall co-operate with the investigation as and when called for. The Anticipatory Bail Application is allowed in terms of prayer clause (a), however subject to the following terms and conditions:-

- (i) In the event of the arrest, Applicant be enlarged

on bail on executing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;

- (ii) Applicant shall report to the Investigating Officer at concerned Police Station, as and when called for by the Investigating Officer for investigation;
- (iii) Applicant shall furnish particulars of his address and mobile number to the Investigating Officer within one week from today;
- (iv) Applicant shall not misuse his liberty in any manner or influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence; and
- (v) It is directed that Applicant shall extend complete cooperation in the investigation of the instant case.

- 6.** Parties to act on a server copy of this order.
- 7.** Anticipatory Bail Application stands allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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