

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 302 OF 2025

Mohammed Eliyas Abdul Hamid Shaikh

...Applicant

Versus

State Of Maharashtra

...Respondent

Mr. Ganesh D. Jadhav, Advocate for the Applicant.

Mr. Avinash A. Naik, APP for the State.

M. S. Gavandi, PSI Malad Police Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 18 FEBRUARY 2025

P.C.:

1. The present Application is filed by the Applicants under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for anticipatory bail in connection with C.R. No. 0940 of 2024, dated 19 November 2024, registered with Malad Police Station, District Brihanmumbai, under Sections 125 (a), 324 (3), 324 (6), 351 (2) and 352 of the Bhartiya Nyaya Sanhita, 2023 as well as Section 3 of the Prevention of Damage to Public Property.

2. Mr. Jadhav, the learned Advocate for the Applicant submits that Applicant has voluntarily donated by way of charity Rs.10,000/- to the KEM Hospital, Parel Mumbai.

3. Mr. Jadhav, the learned Advocate for the Applicant further submits that there is no need for the custody of the present Applicant, as the Applicant comes from a decent background, the incident occurred in the heat of the moment, and the Applicant had not premeditated intention to damage public property. However, unfortunately, the incident took place. The Applicant hereby undertakes that he will not indulge in such offenses in the future and the Applicant is tendering his apologies for what transpired on that unfortunate day.

4. The learned APP submits since the Applicant on his own has voluntarily deposited a sum of Rs.10,000/- with the KEM hospital by way of charity, and the said hospital being a BMC hospital and the bus in question also belongs to BEST (BMC), the physical custody of the Applicant may not be necessary. However, the learned APP submits that the iron rod used for damaging the BEST bus has not been recovered as of today.

5. The learned Advocate for the Applicant on instructions, submits that the iron rod will be handed over to the Investigating Officer within couple of days.

6. Stand over to **24 February 2025** under the caption “**For Urgent Circulation**”.

7. In the meanwhile, no coercive steps will be taken against the Applicant till the next date of the hearing.

(RAJESH S. PATIL, J.)