

**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

Adv. Ganesh Jadhav, Advocate for the Applicant.

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

R. G. Gujar, PSI Mahad Police Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 24 FEBRUARY 2025

P.C.:

1. In its order dated 8 February 2025, this Court recorded that the Applicant will hand over the weapons used in the present crime within couple of days. For ease of reference, the order dated 8 February 2025 is reproduced herein below :

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.

2. The learned APP on instructions from the Investigating Officer submits that the weapon used in the present F.I.R. has been recovered by the Investigating Officer. So also the Applicant has voluntarily deposited a sum of Rs. 10,000/- by way of charity with the K.E.M. Hospital. Therefore, as of now the custody of the present Applicant is not required if he is ready to attend the police station, as and when called.

3. According to me, prima facie case is made out by the Applicant to grant anticipatory Bail on the following condition:-

ORDER

(a) The Anticipatory Bail Application is allowed.

(b) In the event of arrest of the Applicant 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., the Applicant shall be released on bail furnishing P.R. bond to the extent of Rs.20,000/- with one or more sureties of the like amount.

(c) The Applicant shall co-operate with the investigation and attend the investigating officer of the concerned police station, as and when called.

(d) The Applicant shall not directly or indirectly make any inducement, threat or promise to victim and to any person acquainted with facts of case so as to dissuade him/her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(e) The Applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) The Applicant and his surety shall provide their respective mobile numbers, e-mail address and documents pertaining to the place of residence.

4. The order passed by this Court should not prejudice the Trial

Court.

5. In view of the above, the present Anticipatory Bail Application is disposed of as allowed.

(RAJESH S. PATIL, J.)