

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 798 OF 2025

Muhammed Shareem	
Mushtaque Ahmed Ansari	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Kushal Mor a/w. Mr. Kewal Khandagale, Advocate for the Applicant.

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

Mr. Sudhir Desair, PSI Bhiwandi City Police Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 2 APRIL 2025

P.C.:

1. This is an application filed by the applicant for seeking pre-arrest bail in C.R. No.962 of 2024, registered at Bhiwandi City Police Station, Bhiwandi, for the offence punishable under section 309 (4) of the BNS, 2023.
2. In the present anticipatory bail application, I had passed an order recording the submissions of the advocate for the applicant regarding the applicant's willingness to tender to the Investigating Officer (IO) the recording of the conversation between the applicant and the first informant.

3. The learned advocate for the applicant submits that the said conversation was submitted to the IO. The learned APP submits that the IO has heard the conversation, and according to the IO, it mentions certain transactions between the applicant and the first informant.

4. The learned advocate for the applicant submits as per the allegations in the FIR that the first informant was riding a two-wheeler while carrying cash amounting to Rs.5,00,000/-. During his journey, he met the applicant and offered him a lift. After traveling some distance, the first informant received a phone call and hence stopped in the middle of the road. At that moment, the first informant realize that the applicant had taken away his bag and left. At that very time, the applicant's friend riding a two-wheeler came near them, and the applicant left the scene on the two wheeler.

5. The learned advocate for the applicant further submits that the allegations made in the FIR are highly improbable. He contends that apart from the statement of the first informant, there is no corroborative evidence provided by the first informant.

6. The learned APP has opposed the grant of pre-arrest bail to the applicant, stating that an amount of Rs.3,50,000 was snatched by the applicant from the first informant, after which he fled. The said amount is yet to be recovered by the Investigating Officer.

7. I have heard the learned advocates for both parties and have reviewed the documents on record. From the conversation between the applicant and the first informant, which has been handed over to the IO by the applicant, one thing is evident, there was some kind of a financial transaction between them. It appears that the applicant allegedly had borrowed money from the first informant and had not repaid it.

8. As per the FIR, the first informant had collected approximately Rs.5,00,000 from the sale of milk and was on his way back when he met the applicant while traveling. He then stopped his bike and gave a lift to the applicant. At some point in the middle of the road, when he stopped the bike, a friend of the applicant arrived near the informant's two-wheeler. The applicant then allegedly snatched the bag containing cash from the first informant and fled.

9. The first informant has not produced any evidence to substantiate this claim, nor has he mentioned the details of the person who arrived on the two-wheeler with whom the applicant allegedly escaped. Furthermore, there are no prior antecedents against the present applicant. At this stage, according to me, a case is made out to allow the present anticipatory bail application on certain conditions :

ORDER

- (a) The anticipatory bail application is allowed
- (b) In the event of arrest of the Applicant C.R. No.962 of 2024, registered at Bhiwandi City Police Station, Bhiwandi, for the offence punishable under section 309 (4) of the BNS, 2023. 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 on 8 April 2025 and 9 April 2025 between 11.00 a.m to 1.00 p.m., thereafter 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 Applicants and his surety shall provide their respective mobile numbers, e-mail address and documents pertaining to the place of residence.

10. Needless to say, violation of any of the aforesaid conditions would

make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

11. In view of the above, the present Anticipatory Bail Application is disposed of.

(RAJESH S. PATIL, J.)