

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 842 OF 2025

SHEHZAN AYUB KHAN & ORS.

..... APPLICANTS

VERSUS

THE STATE OF MAHARASHTRA & ORS.

..... RESPONDENTS

Adv. Mateen Shaikh a/w. Adv. Muskan Shaikh, Adv. Umair Ahmed,
Adv. Parvez Inamdaar for the Applicants.

Ms. Supriya Kak, A.P.P. for the State.

Adv. Anees Shaikh a/w. Adv. Sufian Qureshi, Adv. Athar Qureshi for
the Intervener.

CORAM : RAJESH S. PATIL, J.

DATE : 17th APRIL, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No. 154/2025 dated 10th March, 2025 registered with Ghatkopar Police Station, Greater Mumbai for the offences punishable under Sections 118(2), 115(2), 352, 351(3) r/w. 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. This Court on 26th March, 2025 passed following order :-

1. The learned counsel for the applicant submits that there was a

scuffle between the applicants and the main trustee of masjid on the issue whether the present applicants can enter in the masjid from a different gate. The applicants were hit by iron rods by the main trustee and his six sons. There was hit to applicant no. 2 on head so also was hit to his son on head. There were bleeding from the head of both the applicants. Photographs of the applicants have been enclosed at page nos. 34 and 35 of the present proceeding. The present applicants first filed an FIR against the trustee and his six sons. Thereafter, the first informant in the present proceedings went to the police station when there were no injuries to them. However, subsequently they have shown that they were also injured in the present incident. Accordingly, the present FIR has been filed. The applicants had applied under the RTI Act for issuance of medical papers of the first informant and his sons. He further submits that the order passed by the Sessions Court on 20 March 2025 has not been uploaded till today morning.

2. The learned APP submits that he has not able to make any submission as the investigating officer (from Ghatkopar Police Station) even at 11.27 am, has not reached Court.

3. This Court is observing that many matters of pre-arrest bail, the investigating officers are not attending the Court proceedings and therefore, the matters are adjourned.

4. The investigating officer is directed to remain present in this Court on 27 March 2025 at 10.30 am.

5. The applicants are directed to add the first informant as party respondent no. 2. Amendment to be carried out forthwith. APP to serve a copy of the anticipatory bail application upon the newly added respondent no.2 through the investigating officer.

6. Stand over to **27 March 2025** under the caption “**for urgent circulation**”. In the meanwhile, no coercive steps be taken against the applicants till the next date of hearing.

3. There are in all three applicants in the present anticipatory bail application. The applicant no. 1 – Mr. Shehzan Ayub Khan is arraigned as accused no.1. It is submitted before me that the applicant no.1 is 20 years old boy and is studying mechanical training at Ghatkopar.

After the unfortunate incident took place in a religious place, the father of the present applicant scolded the applicant no.1 Mr.Shehzan Ayub Khan, due to which, he attempted to commit suicide.

4. Considering the age of the present applicant no.1 – Mr.Shehzan Ayub Khan and he has no antecedent and studying mechanical training, as of now, I am of the *prima facie* view that he needs to be protected.

5. As far as accused no.2 is concerned (Mr.Ayub Shafi Mohammed Khan), he is 56 years of age and is father of the accused no.1 and accused no.3.

6. In the CC TV footage, the present applicant/accused no.2 is not seen carrying any kind of weapon. At the most, he can be seen that he is trying to specify the people involved in the crime. He does not have any kind of antecedents.

7. Considering the fact that there are no antecedents as far as accused no.2 - Mr.Ayub Shafi Mohammed Khan is concerned and considering the age of the accused no.2, *prima facie*, I am of the view that the custody of the present applicant is not necessary.

8. As far as accused no.3 (Mr.Yakoob Ayub Khan) is concerned, there are atleast seven antecedents against the said accused. So also,

in the CC TV footage, it can be seen that very aggressively with the wooden stick in his hand, he entered the holy place. It appears that after few seconds, he has sustained head injury.

9. Considering the fact that in the CC TV footage, the accused no.3 Mr.Yakoob Ayub Khan is holding wooden stick in his hand aggressively entering into the holy place and having seven antecedents, according to me, in order to further investigate in the present crime, the custody of the applicant – accused no.3 would be necessary. Hence, following order :-

ORDER

(a) In the event of arrest in connection with Crime No. 154/2025 dated 10th March, 2025 registered with Ghatkopar Police Station, Greater Mumbai for the offences punishable under Sections 118(2), 115(2), 352, 351(3) r/w. 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant no.1 (Mr.Shehzan Ayub Khan), applicant no.2 (Mr.Ayub Shafi Mohammed Khan) shall be **released on bail**, on furnishing P.R. bonds to the extent of Rs.25,000/- each with one or more sureties of the like amount.

(b) The applicant nos.1 and 2 shall co-operate with the investigation and attend and meet the Investigating Officer of the concerned Police Station on 22nd April 2025 and 23rd April 2025 between 11:00 a.m. to 1:00 p.m. and thereafter as and when called.

(c) The applicant nos.1 and 2 should not directly or indirectly contact the first informant.

(d) The applicant nos.1 and 2 shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and further, the applicants shall not tamper with the evidence in any manner whatsoever.

(e) The applicant nos.1 and 2 shall furnish details of their residential addresses, contact numbers and e-mail addresses to the Investigating Officer.

10. Needless to say, violation of any of the aforesaid conditions would make the applicant nos.1 and 2 liable to face proceedings for cancellation of anticipatory bail. It is clarified that the observations made in this order are limited to the question of grant of anticipatory

bail to the applicant nos.1 and 2 in the present application, and that the trial Court shall proceed further, without being influenced by the observations made in this order.

11. The present pre-arrest bail application filed for the applicant no.3 (Mr.Yakoob Ayub Khan) **is rejected.**

12. **The anticipatory bail application is partly allowed and disposed of.**

[RAJESH S. PATIL, J.]