

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1484 OF 2025

Mohd. Umer Khan S/o Tufail *...Applicant*

Versus

The State of Maharashtra *...Respondent*

.....
Mr. Ganesh Gole a/w Mr. Ateet Shirodkar for the Applicant.

Ms. Prajakta P. Shinde, APP for Respondent-State.

PSI-Pravin Murlidhar Patil, Sakinaka Police Station, Mumbai,
present in Court.
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CORAM : ASHWIN D. BHOBE, J.

DATE : 2nd JUNE, 2025
(VACATION COURT)

P.C. :-

1. Heard Mr. Ganesh Gole, learned Advocate for the Applicant and Ms. Prajakta Shinde, learned Advocate for the Respondent-State.

2. This is an Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "**BNSS**") by the

Applicant/Accused No.3 in Crime No.176 of 2025 registered with Sakinaka Police Station, Mumbai for the offences punishable under Sections 115(2), 118(2), 3(5), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short “BNS”).

3. Present crime is at the instance of the Complainant, who is the landlord, complaining about assault on him and his son by tenant and his associates.

4. There are 4 Accused in the present crime. Anticipatory Bail Application No.991 of 2025 filed by the Accused Nos.1 and 2 in the present crime, was allowed by this Court vide order dated 08.05.2025.

5. Anticipatory Bail Application No.710 of 2025 filed by the Applicant before the learned Sessions Court, Borivali Division, Dindoshi, Mumbai was rejected vide order dated 15.05.2025.

6. Mr. Ganesh Gole, learned Advocate for the Applicant has pointed out the order dated 08.05.2025 passed by this Court in Anticipatory Bail Application No.991 of 2025, which is at page 100 of the paper-book, to submit that the main Accused

have been released on Anticipatory Bail by this Court. He, therefore, seeks parity qua the Applicant herein.

7. Ms. Prajakta Shinde, learned APP for the Respondent, states that Accused Nos.1 and 2 being granted Anticipatory Bail by this Court, the Applicant would be entitled to parity. However, she states that stringent conditions may be imposed on the Applicant.

8. In view of the above and considering the main Accused in the present crime having being granted pre-arrest bail by this Court vide the above referred order dated 08.05.2025 in Anticipatory Bail Application No.991 of 2025, the present **Anticipatory Bail Application is allowed** on the following terms:

- (a) The Anticipatory Bail Application is allowed
- (b) In the event of arrest of the Applicant, Crime No.176 of 2025 registered at Police Station Sakinaka for the offences punishable under Section 115(2), 118(2), 351(2), 352 read with Section 3(5) of the Bharatiya Nyay Sanhita, 2023, the

Applicant shall be released on bail furnishing P.R. bond to the extent of Rs.30,000/- with one or more sureties of the like amount.

(c) The Applicant shall cooperate with the investigation and attend and meet the investigating officer of the concerned police station on 09.06.2025 and 11.06.2025 at 11:00 a.m. to 1:00 p.m., every Monday till the filing of the charge-sheet.

(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 addresses and documents pertaining to the place of residence.

(g) The Applicant shall also refrain from contacting the victim, her family members, or the victim's relatives in any form/mode, including through online messages, until further orders of this court.

9. Needless to say, violation of any of the aforesaid conditions would make the Applicant liable to face proceedings for cancellation of Anticipatory Bail.

[ASHWIN D. BHOBE, J.]