

Prasad Rajput
(PA.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLICATION NO.1786 OF 2025

Shivam Sanjay Upadhyay	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

-
- Mr. Ghanshyam Upadhyay a/w Mr. Vijay Jha i/by Law Juris for Applicant.
 - Mr. Sachin Tiwari i/by Anjesh Nilesh Advocate LLP, Advocates for Intervenor.
 - Mr. Y.Y.Dabke, APP for Respondent - State.
 - PSI – Khade, Andheri Police Station, Mumbai, present.

.....

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 01, 2025

P. C.:

1. Applicant - accused is apprehending arrest in connection with C.R. No.532/2025 registered with Andheri Police Station, Andheri (E), Mumbai for the offences punishable under Sections 109, 352, 189(2), 189(4), 191(3) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (for short "**BNS**").

2. On 9th July, 2025 following order was passed:-

"1. Heard Mr.Upadhyay, learned Advocate for and Mr. Dabke, learned APP for Respondent – State.

2. Shivam Sanjay Upadhyay is I am informed that Applicant being discharged from the hospital today. It is directed that in the meanwhile he shall not be arrested until the present Anticipatory Bail Application is heard by the Court. Considering

his medical condition for which he was admitted in the hospital, he is directed by the Court not to leave the jurisdiction of the concerned police station without the leave of the Court and cooperate with the investigation.

3. *Mr. Dabke, learned APP on instructions from the concerned Investigating Officer would submit that investigation is almost complete and according to his instructions only witness statement of 3 - 4 witnesses are yet to be recorded. If co-operation of the Applicant is required, he shall co-operate with the concerned Investigating Officer, if so called for at the police station.*

4. *List the Anticipatory Bail Application on Board on 23rd July 2025 for hearing."*

3. Pursuant to the above order Mr. Dabke, learned APP for Respondent – State makes statement before the Court that investigation has been completed and prosecution shall file chargesheet within a period two weeks from today. Statements of all witnesses have been recorded. In view of the fact that this is the case of cross FIRs and members of both sides having been grievously injured and as delineated in the aforesaid order, I am of the opinion that Applicant has made out a case for grant of Anticipatory Bail.

4. In that view of the matter, Applicant is granted pre-arrest bail on the following terms and conditions:-

ORDER

- i) In the event of the arrest, the Applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 50,000/- with one or two sureties in the like amount;

- ii) Applicant is permitted to furnish provisional cash bail of Rs.50,000/- for his release in the event of his arrest and he shall file undertaking that he will provide one or two sureties in the like amount of Rs.50,000/- within a period of four weeks thereafter which shall be accepted;
- iii) Applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;
- iv) Applicant shall attend the Police Station on the first Monday of every month between 10.00 a. m. and 12.00 noon until the Charge-sheet is filed and thereafter as and when called for by the investigating officer thereafter;
- v) Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- vi) If there is a breach of any of the aforesaid conditions, prosecution shall be at liberty to seek cancellation of Applicant's bail.

5. It is made clear that observations made herein are *prima facie* and are confined to this Application only and learned Judge to decide the trial on its own merits.

6. Application is allowed in the aforesaid terms and is accordingly disposed of.

7. All concerned to act on the authenticated copy of this order.

[MILIND N. JADHAV, J.]