**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**
**ANTICIPATORY BAIL APPLICATION NO. 75 OF 2026**

Abu Sahama Mohammad Mustfa Khan ...Applicant
V/s.
The State of Maharashtra ...Respondent.

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Adv. Akhlak Khan a/w. Adv. Hemant D. Kurmi for the Applicant.
Mrs.Rutuja Ambekar, APP for the Respondent/State
PSI Vijay Sathe, Kashigaon Police Station is present.

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**CORAM : N.R. BORKAR, J.**
**DATE : 13.01.2026.**

**P.C. :**

1. This is an application for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 488 of 2025 registered at Kashigaon Police Station, Mira-Bhayander, Vasai-Virar for the offences punishable under Sections 318(4), 336(2), 336(3), 338, 340(2), 61(2) and 62 of the Bharatiya Nyaya Sanhita, 2023.

3. The applicant is a Scrap Dealer. The first informant is a custodian and supervisor at J.P. Infra. The tender to purchase scrap from their construction site was given to the applicant. It is alleged that on 16th October 2025, the co-accused in the present crime had sent the truck for loading the scrap material. The said empty truck was weighed for the purpose of loading scrap material. It is alleged that with a view to defraud the first informant the said truck was lateron replaced by another truck of

lesser weight so that excess scrap material can be loaded. It is alleged that 3290 kg of excess scrap material worth Rs.105280/- was thereafter loaded in the replaced truck.

4. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.

5. Learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that crime, if any, is committed by transporter. It is submitted that the applicant is ready and willing to cooperate in the investigation.

6. On the other hand, learned APP for the respondent/State submits that during the course of interrogation with the co-accused has revealed the involvement of the applicant in the present crime. It is submitted that considering the nature of crime, the applicant may not be released on anticipatory bail.

7. I have perused the papers of investigation. *Prima facie,* there appears to be no material to infer the involvement of the present applicant in the alleged crime. There are no other criminal antecedents against the present applicant. Further, custodial interrogation of the applicant does not appear to be necessary. In that view of the matter, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

**ORDER**

A) The Application is allowed.

B) In the event of arrest of the applicant in C.R. No. 488 of 2025 registered at Kashigaon Police Station, Mira-Bhayander, Vasai-Virar for the offences punishable under Sections 318(4), 336(2), 336(3), 338, 340(2), 61(2) and 62 of the Bharatiya Nyaya Sanhita, 2023, he be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one surety or two sureties in the like amount.

C) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate in the investigation.

**[N.R.BORKAR, J.]**