

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO. 3580 OF 2025**

Faiyyaz Ziauddin Patel  
Through His Father Ziyauddin Babulal Patel ...Applicant  
Versus  
State Of Maharashtra And Anr. ...Respondents

**Ms. Sahana Manjesh**, *for the Applicant.*  
**Ms. Poonam P. Bhosale**, *APP for the State-Respondent No.1.*  
**Mr. Abhilash Kuray (through V.C.)** *i/b Legal Legacy, for  
Respondent No.2.*

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**CORAM    DR. NEELA GOKHALE, J.**  
**DATED:    2<sup>nd</sup> FEBRUARY 2026**

**PC:-**

- 1.**    The Investigating Officer is absent today.
  
- 2.**    Heard Ms. Sahana Manjesh, learned counsel for the Applicant. At the very outset, she has brought to my attention Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Section 12 reads thus:

***“12. Bail to a person who is apparently a child  
alleged to be in conflict with law.-(1) When any***

*person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:*

*Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.*

*(2) When such person having been apprehended is not released on bail under sub-section (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home [or a place of safety, as the case may be,] in such manner as may be prescribed until the person can be brought before a Board.*

*(3) When such person is not released on bail under sub-section (1) by the Board, it shall make*

*an order sending him to an observation home or a place of safety, as the case may be, for such period during the pendency of the inquiry regarding the person, as may be specified in the order.*

*(4) When a child in conflict with law is unable to fulfil the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail.”*

**3.** Ms. Manjesh has tendered certain decisions of the High Court and the Supreme Court. The same are taken on record.

**4.** Considering that the Applicant was 16 years of age at the time of the incident and as on date, is admitted to the observation home for children, the Superintendent of the Dongri Children’s Home and also the Probation Officer of the Child are directed to evaluate the psychological and physical condition of the Applicant in consonance with Section 12 of the Act and submit a report to this Court, within a period of eight days from today with a copy to Ms. Poonam Bhosale, learned APP representing the Respondent-State.

**5.** Mr. Abhilash Kuray, learned counsel for Respondent No.2, submits that the forensic reports pertaining to the mobile phones seized from the Applicant and the co-accused are not on record.

**6.** Ms. Poonam Bhosale, learned APP, is directed to place on record the forensic reports of the mobile phones, if any. If the said reports have not yet been received from the FSL, the FSL is requested to expedite the same and provide them to the Investigating Officer for filing in Court.

**7.** Stand over to **10<sup>th</sup> February 2026** on the Supplementary Board.

**(Dr. Neela Gokhale, J)**