

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 547 OF 2026

Mohammad Ashfaque Shamsuddin Syed ...Applicant
V/s.
The State of Maharashtra ...Respondent.

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Adv. Adil L. Mishra for the Applicant.
Ms Shilpa G. Talhar APP for the Respondent/State.
API Pramod M. Powai Police Station is present.

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CORAM : N.R. BORKAR, J.
DATE : 05.03.2026.

P.C. :

1. This is an application for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 142 of 206 registered at Powai Police Station for the offences punishable under Sections 282 and 284 of the Mumbai Municipal Corporation Act and Section 303 (2) of the Bharatiya Nyaya Sanhita, 2023.

3. It is the case of the prosecution that on 9th February 2026, acting on secret information regarding the theft of water, the first informant, who is working as an Assistant Engineer in the Water Works Department of the Mumbai Municipal Corporation, proceeded to the spot and conducted a raid at Ambedkar Nagar, opposite Marwa House, Marwa Road, C.T.S. No. 670, Marol, Mumbai. During the raid, it was found that the co-accused was filling the water into a tanker bearing No. MH-43-BX-0706 from the illegal water connection taken from the corporation pipelines. During the course of investigation, it was found that the said

illegal connections was taken by the present applicant. The allegations against the present applicant and other co-accused are thus of theft of water.

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 the applicant, without prejudice to his rights, is ready and willing to deposit an amount of Rs.2 Lakhs with this Court. It is further submitted that there are no other criminal antecedents against the applicant.

6. On the other hand, learned APP for the respondent/State submits that the custodial interrogation of the applicant is necessary to unearth larger conspiracy. 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. The only material against the applicant is statement of co-accused. There are no other criminal antecedents against the applicant. Considering the said facts, 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. 142 of 206 registered at Powai Police Station for the offences punishable under Sections 282 and 284 of the Mumbai Municipal Corporation Act and Section 303 (2) 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 deposit the amount of Rs.2,00,000/- (Rupees Two Lakhs) with the Registry of this Court within a period of four weeks from today.
- D) The applicant shall attend the concerned police station as and when called and shall cooperate in the investigation.

[N.R.BORKAR, J.]