

**ORDER BELOW BAIL APPLICATION EXH.03**  
**IN C.C. NO.5100405/PW/2026**

This is an application filed by accused no.1 Ashraf Akhtar Patel seeking bail. Accused no.1/applicant alleged that he is falsely implicated in the said crime. The informant is not owner of the either of alleged two trucks mentioned in the FIR and he is only an intermediary who only facilitated the said transaction. The accused has co-operated the investigation during interrogation. The investigation of said crime is completed and charge-sheet is filed by the police. The prosecution story narrated in the charge-sheet is not truth of alleged transaction. Alleged dispute between accused and the informant is of purely civil nature. There is delay of 37 days. Accused no.1 is ready to co-operate for trial of the case. There is no prima-facie case against accused. Also, further custodial interrogation of accused is not necessary. The alleged offence is triable by this court. Accused no.1 is only earning member of his family. He has no criminal antecedent. He will not abscond or tamper with the prosecution evidence. He is ready to abide by the conditions imposed by the court. Lastly, accused prayed for bail.

2) The prosecution has filed say at Exh.04 and strongly opposed with contention that the offence is serious in nature. There is ample evidence against the present accused. The accused will abscond or tamper with the prosecution evidence if released on bail. Lastly, he prayed for rejection of application.

3) In view of directions of the Hon'ble Supreme Court in the case of **Zeba Khan vs. State of U.P. and Ors. reported in 2026 INSC 144**, the information available on record is hereby mentioned in the structured framework as under -

**A) Case Details -**

| FIR number and Date    | Police station, District and State | Sections invoked                                | Maximum punishment prescribed. |
|------------------------|------------------------------------|-------------------------------------------------|--------------------------------|
| 69/2025,<br>17/02/2025 | Kurla, Mumbai, Maharashtra         | 318(4),<br>316(2), 317(2)<br>r/w 3(5) of<br>BNS | 07 years.                      |

**B) Custody and procedural compliance -**

| Date of arrest | Total period of custody undergone |
|----------------|-----------------------------------|
| 08.01.2026     | 08.01.2023 to till date           |

**C) Status of trial -**

| Stage of proceeding<br>(Investigation /Charge-sheet /<br>Cognizance / Framing of charges<br>/ Trial) | Total number of<br>witnesses cited in the<br>charge-sheet | Number of prosecution<br>witnesses examined |
|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|---------------------------------------------|
| Framing of charge                                                                                    | --                                                        | --                                          |

**D) Criminal antecedent -**

| Sr.No. | FIR number and Police station | Sections | Status (Pending / acquitted / Convicted). |
|--------|-------------------------------|----------|-------------------------------------------|
| 1.     | Not furnished                 | --       | --                                        |

**E) Previous bail application -**

| Court            | Case number | Out come of case                        |
|------------------|-------------|-----------------------------------------|
| 51 <sup>st</sup> | 56/BA/2026  | Rejected at the stage of investigation. |

**F) Coercive processes -**

| Whether any non-bailable warrant was issued | Whether declared a proclaimed offender |
|---------------------------------------------|----------------------------------------|
| N.A.                                        | N.A.                                   |

4) Heard Ld. advocate for the accused and Ld. APP at length.  
Perused record and documents.

5) Following points arise for determination and my findings thereon are as under for the reasons stated hereinafter.

| <b>Sr.No.</b> | <b><u>POINTS</u></b>                                 | <b><u>FINDINGS</u></b> |
|---------------|------------------------------------------------------|------------------------|
| 1.            | Whether the accused is entitled to release on bail ? | Yes.                   |
| 2.            | What Order ?                                         | As per final order.    |

### **REASONS**

#### **AS TO POINT NO.1.**

6) On considering the arguments of both sides and documents available on record, it is clear that accused / applicant is in custody since 08.01.2026. The offence punishable under section 318(4), 316(2), 317(2) r/w 3(5) of the BNS is registered against accused. The said offence is non-bailable. However, said offence is triable by this court. Therefore, this court has jurisdiction to entertain to the bail application.

7) On perusal of record and submission of both side, it is clear that the previous bail application of accused no.1 is rejected on 02.02.2026. On perusal of said order, it appears that the said bail application was rejected on the ground of pendency of investigation of said crime. Therefore, it is important to note here that the concerned Investigating Officer has filed charge-sheet against accused. Therefore, it appears that investigation of said crime is completed. On perusal of charge-sheet it appears that Investigating Officer has seized only a mobile worth of Rs.6000/- from the custody of accused no.2 during the investigation.

Moreover, on considering the material available on record, it appears that the prosecution case is based on documents. Also, the investigation of said crime is completed. Also, accused no.2 is released on bail. Therefore, on considering the stage of proceeding, nature of offence, material available on record against the applicant/accused, specific role of present accused and aforesaid discussion, I am of the opinion that it is just and proper to release accused no.1 on bail. Hence, I answer as to point no.1 in the affirmative and proceed to pass following order.

**ORDER**

- i) Application Exh.03 is allowed.
- ii) Accused no.1 Ashraf Akhtar Patel is hereby released on bail on his executing P. R. bond of Rs.50,000/-(Rs. Fifty thousand only) with one or two surety of like amount or cash bail of like amount on following conditions....
  - a) Accused shall not tamper or hamper the prosecution witnesses in any manner
  - b) Accused shall submit his address proof and contact details of two relatives/ friends.
- iii) Judicial Clerk of this court is directed to inform above said order to the accused as per rules.

(S. M. Gourgond)  
Judicial Magistrate (First Class),  
51<sup>st</sup> Court, Kurla, Mumbai.

Date : 20/04/2026  
ssm/-