

703/BA/25

JMFC

IN THE COURT OF THE LD.CHIEF/ADDL.CHIEF METROPOLITAN
MAGISTRATE' 71st COURT AT MUMBAI
BAIL APPLICATION NO. _____

IN

C.R./ 124 OF 2025

(State Through B.K.C Police Station)



Asif Husain Arif Husain Shaikh
Age – 42, R/at 94-433, Gujrat Housing Board,
Opp. Aman Chouk, Bapu
Ahamadabad City, Gujrat – 380024

..... Applicant/Accused

VERSUS

State Through B.K.C. Police Station.

..... Respondent

APPLICATION FOR BAIL

Charge Under Section : 316 (2), 318 (4), and 319 (2) of BNS



MAY IT PLEASE YOUR WORSHIP:

It is most respectfully submitted by the above named accused
as under;

1. That the accused have been arrested by the police on in the above crime for the alleged offence.
2. The accused is falsely implicated in this crime and have nothing to do with the alleged offence.
3. That Applicant Accused no know to informant as well as he never sit in his auto as alleged in FIR.
4. That as alleged in FIR the allaged incident was took placed on 12.02.2025 at BKC but complaint lodge on 1/3/2025 therein not given any clarification that why complaint filed after 16 days, thus it is itself clear that this is after thought Complaint.
5. That the recovery is illegal and fake.

6. That the investigation is practically done by the police and the custodial interrogation of the accused is not required at all.

7. The Applicant submits that the police had not followed the mandate procedure of 41(A) Cr.Pc and the guidelines given by Hon'ble Supreme Court of India. Even though all offence are punishable upto 7 years Respondent police not issued 41A Cr.pc / 35 (3) of BNSS. Hence arrest and re Covery is illegal and bad in law as well as violation fundamental rights.

8. That the Hon'ble Supreme Court in Landmark Judgement of Satender Kumar Antil vs. Central Bureau of Investigation on 11.07.2022 gave a crucial statement that failure of issuance of notice under Section 41-A Cr. P.C and non compliance of Arnesh Kumar vs State Of Bihar & Anr (on 2 July 2014) guidelines is an essential ground in favor of the accused to become eligible for bail./entitled to Bail.

9. It is a settled principle of law that an accused should be presumed innocent until proven guilty beyond reasonable doubt and in the present case the applicant accused is serving a sentence of imprisonment as a pre-trial punishment.

10. There is no need for the applicant's custody as The applicant has no previous criminal history and hence, there is no possibility of him destroying evidence or threatening the witnesses/first informant as he has no criminal background as he belongs to the working class of the society.

11. Without prejudice to the above, the applicant is always ready and willing to cooperate with the investigating agency and his custody is not required for this purpose.

12. By keeping the applicant in custody pending the final decision of the case, the applicant will be deprived of a free and fair hearing and of free and fair instructions to his lawyers for the purpose of defending him and refuting the false allegations against him.

13. In the case of Sanjay Chandra vs. CBI (2012) 1 SCtC 40, the Hon'ble Supreme Court has held that keeping a person in custody who has not yet been proven guilty is an unnecessary burden on the State and it cannot detain persons indefinitely. Instead of being kept in custody, bail can be granted subject to certain conditions.

14. The Hon'ble Supreme Court in the case of State of Rajasthan v. Balchand alias Ballia (AIR 1977 2447) laid down the legal principle "Bail is a rule, jail is an exception".

15. The applicant undertakes to abide by all the terms and conditions imposed by the Hon'ble Court at this time.

16. That the accused person have their fixed place of residence in Gujrat, India and there is no question of absconding from trail of the case. The accused person is not habitual offenders.

17. The attendance of the accused can be easily secured by releasing the accused on bail and the accused undertake not to threat the witness of the prosecution and also not to temper with evidence of the prosecution.

18. That the accused undertakes to abide with all the conditions imposed by this Hon'ble court. The accused further undertakes to furnish bail to the satisfaction of the Hon'ble court.

19. The accused person belongs to a respectable family and the accused person is never convicted and no any other case of any nature is pending against the accused.

20. Under the circumstances above, the accused therefore prayed that your Honour may kindly release the accused on bail on any terms and conditions which your Honour may deem fit and proper in the interest of justice.

For this act of kindness the accused shall ever pray as in duty bound.

Mumbai

Date: 05/3/2025.


Advocate for the Accused

Say on behalf of state

That the allege offence against accused is cognizable & Nonbailable in which accused found with well causation in crime.

Investigation is shows that, accused had involve in similar kind of offence at Gyrat & Mumbai of same nature. during investigation it reveals that incriminating article was recovered from accused. cash checked is yet to be recovered.

accused may abscond as he is not belongs to local jurisdiction of Hon'ble Court he may abscond or absent or may again involve with same.

Hence, with objection application may kindly reject.

Bandra
5/3/25

[Signature]
TAP,

Acc - 1

Cash bail Amount of Rs. 15000/-

Deposited by the Accused vide

Receipt No. 0468207

[Signature]
5/3/25

Head Cashier

ACJM Bandra Court, Mumbai

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Read application in
say, teened both sides.
Pensan the record.

According to accused he has not committed any offence as alleged. & prayed for bail. App. submit that considering the modes operate for of accused there is possibility to committing similar offence by accused. Prayed for rejection.

✓ The offence is triable by this Court. Almost property has been recovered. Further detention of accused is not required. Presence of accused can be secured through surety. Hence, accused be released on P.R. & S.D. of Rs. 15000/-. Accused shall not tamper presently evidence. Accused shall remain present on every third Saturday in P.S. Bldg at about 11:00 am to 1:00 pm till filling the chargesheet. Accused shall provisionally be released on cash bail of Rs. 15000/- & he shall furnish surety within 4 weeks from today.

[Signature]
5/3/25