

**ORDER BELOW BAIL APPLICATION NO.606/2026 ARISING OUT OF C.
R. NO.423/2025 FOR THE OFFENCE PUNISHABLE UNDER SECTION
287, 125 OF THE BHARTIYA NYAYA SANHITA AND UNDER SECTION 3
R/W 7 OF ESSENTIAL COMMODITY ACT REGISTERED WITH SEWREE
POLICE STATION, MUMBAI.**

By way of this application, applicant/accused Mohammad @ Mahir Hussain Munir Hussain Khan is seeking regular bail under Section 480 of the Bhartiya Nagrik Suraksha Sanhita – 2023.

2. Perused the application and say given by the Learned A. P. P. I have heard the learned advocate representing the applicant/accused and the learned A. P. P.

3. The record shows that, the applicant/accused is alleged to have been committed offences punishable under Section 287, 125 of the B. N. S. and under section 3 r/w 7 E.C. Act. The applicant/accused was arrested on 03/06/2026 and produced before the incharge court on same day. On first production, accused was remanded in PCR till 05/06/2026. On 05/06/2026, accused has been taken in to MCR on the specific request of the I. O.

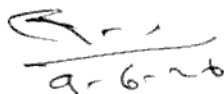
4. The application is opposed by the learned A. P. P. merely on the ground of seriousness of the alleged offences. The application is also opposed on the ground that investigation is in progress.

5. The record shows that applicant/accused is alleged to have been committed offences punishable under Section 287, 125 of the B. N. S. and under section 3 r/w 7 E.C. Act. Out of them offences punishable under Section 287, 125 of the B. N. S. are bailable. An offence punishable under Section 3 r/w 7 E.C. Act. is non bailable offence and triable by this court. It is matter of record that accused is behind the bar since 03/06/2026. The muddamal property is recovered. In this crime, other accused have already been released on bail. As per the criminal

jurisprudence accused is presumed to be innocent unless his guilt is proved beyond reasonable doubt. Therefore, it is said that, bail is the rule and jail is exception. Taking spirit of the said mandate of law, I am of the opinion that, there exist no exceptional ground to reject the application. In the circumstances, no purpose would be served by keeping the accused behind the bar any more. Hence, considering the nature of alleged offences, and after considering the facts and circumstances, I pass the following order : -

ORDER

- (i) The application is allowed.
- (ii) The applicant/accused Mohammad @ Mahir Hussain Munir Hussain Khan be released on his executing P. R. Bond of Rs.10,000/- (Rs. Ten Thousand) and solvent surety of like amount. By way of abundant caution it is clarified that, if applicant / accused is unable to furnish solvent surety, he is at liberty to deposit cash security of like amount.
- (iii) The copy of this order be forwarded to the applicant/accused through the Superintendent of Jail, via e-mail.



(Vaibhav V. Kulkarni)

Date : 09/06/2026.

Addl. Chief Judicial Magistrate,
5th Court, Dadar (At Sewree), Mumbai.