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| <b><u>IN THE COURT OF JUDICIAL MAGISTRATE (FIRST CLASS),</u></b><br><b><u>35th COURT, CSMT, MUMBAI</u></b><br><b><u>480-BA-2026 in Case No.574/PW/2026</u></b> |                                                                                                                            |
| MHMM240013702026<br>                                                          | C.R. No.93/2026,<br><b><u>Case No.574/PW/2026</u></b><br>State Through LTT Rly Police Station<br>V/s. Anwar Suleman Shaikh |
| <b>A) Case Details</b>                                                                                                                                         |                                                                                                                            |
| FIR Number & Date                                                                                                                                              | 93/2026, Dtd.02/03/2026                                                                                                    |
| Police Station, District & State -                                                                                                                             | LTT Police Station Mumbai,<br>Maharashtra                                                                                  |
| Sections invoked                                                                                                                                               | Section of 303 (2), 13 of IPC                                                                                              |
| Maximum punishment prescribed                                                                                                                                  | 05 Years                                                                                                                   |
| <b>B) CUSTODY &amp; PROCEDURAL COMPLIANCE</b>                                                                                                                  |                                                                                                                            |
| Date of arrest                                                                                                                                                 | 02.03.2026                                                                                                                 |
| Total period of custody undergone                                                                                                                              | 99 days                                                                                                                    |
| <b>C) STATUS OF TRIAL</b>                                                                                                                                      |                                                                                                                            |
| Stage of proceedings                                                                                                                                           | For framing of Charge                                                                                                      |
| Total number of witnesses cited in the charge-sheet                                                                                                            | --                                                                                                                         |
| Number of prosecution witnesses examined                                                                                                                       | --                                                                                                                         |
| <b>D) CRIMINAL ANTECEDENTS</b>                                                                                                                                 |                                                                                                                            |
| FIR No. and Police Station                                                                                                                                     | Total 21 cases are registered. Out of it in 17 cases he is convicted in different police station.                          |
| Sections                                                                                                                                                       | 379 of IPC                                                                                                                 |
| Status                                                                                                                                                         | Convicted                                                                                                                  |
| <b>E) PREVIOUS BAIL APPLICATIONS</b>                                                                                                                           |                                                                                                                            |
| Court                                                                                                                                                          | 35 <sup>th</sup> Court                                                                                                     |
| Case No.                                                                                                                                                       | Before chargesheet 197/BA/2026                                                                                             |
| Outcome of case                                                                                                                                                | Rejected application.                                                                                                      |
|                                                                                                                                                                |                                                                                                                            |

| F)COERCIVE PROCESS                          |   |
|---------------------------------------------|---|
| Whether any Non-Bailable warrant was issued | - |
| Whether declared a proclaimed offender      | - |

**ORDER ON BAIL APPLICATION NO.480/BA/2026**

This is an application filed by accused Anwar Suleman Shaikh for releasing him on the bail. The accused has contended that, he is innocent and he is falsely implicated. He has no concern with the commission of alleged offence. Stolen property is recovered. Investigation is completed. There is no likelihood of absconding or tampering with the evidence.

2. Ld. APP has strongly objected the application mainly on the ground that offence is cognizable, non bailable having subsequent offence punishment upto five years. In multiple cases he is convicted. As per section 480 (1) (ii) of BNSS the accused shall not be released on bail and therefore, prayed to reject the bail application.

3. Heard both sides. Perused record. Accused is charged for the commission of offence punishable under section 303 (2), 13 of Bharatiya Nyaya Sanhita. Record reveals that the earlier bail application No.197/BA/2026 of accused has been rejected on 10.03.2026. Further, an affidavit filed by son of the accused shows that accused is having twenty one criminal antecedents. Accused has been convicted in seventeen cases in different police stations. It shows that he is habitual offender. Stolen property has been recovered from him. Chargesheet is filed. As per section 480 (ii) of BNSS it is mentioned that “such person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years or more, or he had been previously

convicted on two or more occasions of a cognizable offence punishable with imprisonment for three years or more but less than seven years”. It appears from the said provision that accused shall not be released on bail if accused is previously convicted on two or more occasions of a cognizable offence punishable with imprisonment for three years or more. Perusal of record, it shows that accused has been convicted in seventeen cases. Therefore, as per provision of under section 480 (ii) of BNSS is applicable to the present accused and it shows accused is habitual offender.

4. In light of these observations and considering the nature of offence, if accused released on bail there is every possibility that he may tamper with the prosecution evidence and may abscond from trial and committed like offences in future. In the facts and circumstance of the case the accused is not entitled for bail hence I pass following order:-

| <u>ORDER</u> |                                              |
|--------------|----------------------------------------------|
| 1.           | Bail application of accused stands rejected. |

Place : Mumbai  
Date : 09.06.2026

( M.S.Budhwant)  
Judicial Magistrate (First Class),  
35th Court, CSMT, Mumbai.