

IN THE COURT OF SPECIAL JUDGE (C.B.I.) FOR GREATER MUMBAI

ORDER BELOW EXHIBIT 8

IN

ANTICIPATORY BAIL APPLICATION 1617 of 2025.

(CNR NO. MHCC02-013031-2025)

Zohair Siraj,

Aged : 35 years, Occupation : Freelance Engineer,

R/at : 7201, Raintree way,

Denton, Texas 76210, USA.

..Applicant/Accused.

Versus

The State of Maharashtra

(Through Mumbai South Cyber Police Station).. Respondent.

Appearance:

Ld. Adv. Mr. Prathmesh Samant i/b Adv. Tejas Shetty for applicant/accused.

Ld. PP Mrs. Sulbha Joshi for the prosecution/State.

CORAM : H.H.THE SPECIAL JUDGE (C.B.I.)

SHRI A.V. GUJARATHI.

(Court Room No.50)

DATED : 18th October, 2025.

:-ORAL ORDER:-

1. Ld. Advocate for the informant/victim has filed the present application praying to give him an opportunity to advance oral arguments to resist the application for anticipatory bail filed by the accused. The accused/applicant has not filed say to the application but Ld. Advocate for the accused submitted that in view of decision of Hon'ble Supreme Court in case of Rekha Murarta Vs. State of West Bengal and another , reported in (2020) 2 SCC 474, the Ld. Advocate for the victim/informant has no right to advance oral arguments.

2. On the contrary, Ld. Advocate for the informant/victim placed his reliance on the decision of the larger bench of the Apex Court in the case of Jagjeet Singh and another Vs. Ashish Mishra Alias Monu and another, reported in (2022) 9 SCC 321, wherein it is held that the victim/informant has independent right to be heard. It is pertinent to note that the said judgment is dealing only with the victim qua the stage of adjudication of the bail application. In other cases, it is held that under section 301 of the Cr.P.C. the victim is allow to appear and assist the prosecution and also to submit written arguments. Therefore, it is crystal clear that in case of bail applications, the victim has every right to be heard including right to advance role arguments to oppose the bail application. Considering all these facts and circumstances, I have no hesitation to hold that the informant/victim has right to advance oral arguments, to resist the bail application. Therefore, I pass the following order. proceed to pass the following order.

ORDER

1. Application (Exhibit 8) is allowed.
2. Ld. advocate for the informant/victim is permitted to advance oral arguments as prayed for.
3. Application (Exhibit 8) is accordingly disposed off.



Dated : 18.10.2025.

Directly Typed on computer : 18.10.2025.

Signed by P.O. on : 18.10.2025.

(A.V. Gujarathi)
Special Judge (CBI),
City Civil And Sessions Court,
Gr. Mumbai

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”	
UPLOAD DATE AND TIME On 18.10.2025 at about 2.07 p.m.	Name of the Stenographer Mrs. S.R. Mejari
Name of the Judge (with Court Room No.)	H.H.J. SHRI. A.V. Gujarathi. (Court Room No.50)
Date of Pronouncement of Judgment/Order	18.10.2025
Judgment/Order signed by P.O. on	18.10.2025
Judgment/Order uploaded on	18.10.2025