

C. C. No. 1781/PW/2026

ORDER PASSED BELOW BAIL APPLICATION EXHIBIT NO. 03

1] The accused Mohammed Shehbaz Hasan Ansari and Mohammed Samir Kudbuddin Pathan who are alleged to have committed the offence punishable under sections 305(a), 331(3), 331(4), 3(5) of the Bharatiya Nyaya Sanhita, 2023 have filed this application for grant of bail on the ground that they have not committed any offence. There have no criminal antecedents against them. The charge-sheet has been filed. Investigation has been completed. No purpose will be served to keep the accused behind bar. Therefore, they are requested to release them on bail.

2] In the case of **Zeba Khan Vs State of UP and Ors., (Criminal Appeal No.825/2026 Judgment dated 11/02/2026)** the Hon'ble Supreme Court of India has provided the following structured frame work for adjudication of the bail application. Hence, the material particulars in this regard are mentioned as under:

(A) CASE DETAILS

- | | | |
|-----|------------------------------------|---|
| i | FIR Number and Date | 591/2026 Dated 18/06/2026 |
| ii | Police Station, District and State | Sakinaka, Dist – Mumbai, State - Maharashtra |
| iii | Sections invoked | 305(a), 331(3), 331(4), 3(5) of the Bharatiya Nyaya Sanhita |
| iv | Maximum punishment prescribed | Imprisonment for 7 years |

(B) CUSTODY & PROCEDURAL COMPLIANCE

- | | | |
|---|----------------|------------|
| i | Date of Arrest | 18.06.2026 |
|---|----------------|------------|

- | | |
|--------------------------------------|-----------------|
| ii Total period of custody undergone | 1 month 27 days |
|--------------------------------------|-----------------|

(C) STATUS OF TRIAL

- | | |
|--|-----------------------------|
| i Stage of proceedings (Investigation/Chargesheet/Cognizance/Framing of Charges/Trial) | charge-sheet has been filed |
| ii Total number of witnesses cited in the charge-sheet | - |
| iii Number of prosecution witnesses examined | - |

(D) CRIMINAL ANTECEDENTS

- | | |
|--|----|
| i FIR No. & Police Station | -- |
| ii Sections | -- |
| iii Status (Pending/Acquitted/Convicted) | -- |

(E) PREVIOUS BAIL APPLICATIONS

- | | |
|---------------------|----|
| i Court | -- |
| ii Case No. | -- |
| iii Outcome of case | -- |

(F) COERCIVE PROCESSES

- | | |
|---|---|
| i Whether any Non-Bailable warrant was issued | - |
| ii Whether declared a proclaimed offender | - |

3] Ld. APP has filed say on the backside of this application and submitted that the alleged offences are non-bailable. The golden ornaments are recovered from the possession of accused. If they are released on bail, they will tamper the prosecution evidence, there is chances of their absconding. Therefore, prayed to reject the application.

4] Heard. Perused the application and say.

5] The offences U/s. 305(a), 331(3), 331(4), 3(5) of Bhartiya Nyaya Sanhita came to be registered against the present accused. As per the case of prosecution, the accused have committed offence punishable under section 305(a), 331(3), 331(4), 3(5) of Bhartiya Nyaya Sanhita. The golden ornaments were recovered from the possession of accused. On the other hand, Ld. Advocate for the accused argued that the chare-sheet has been filed. They will attend the Court regularly and abide by any conditions if imposed.

6] It is seen from the record that the accused are in jail since 18.06.2026. Investigation is completed and charge-sheet came to be filed. As per authority **Zeba Khan B(Supra)**, the accused has to file an affidavit disclosing criminal antecedents against him. Though the accused previously filed affidavit, but not provide any informant regarding the antecedents. Rather from the remand application on record, it appears that accused have criminal antecedents. Therefore, the information given in the affidavit is not appeared true. Thus, accused are not entitled to release on bail. Hence, I pass following order:-

Order

Application is rejected.

Sd/-

(A. G. Mhaskey)

Judicial Magistrate (First Class)
66th Court, Andheri, Mumbai

Date :- 14/08/2026

