

MHCC020039082025

**IN THE COURT OF SESSION FOR GREATER BOMBAY****BAIL APPLICATION NO. 620 OF 2025**

Mohd. Arshad Nijamuddin Khan]
Age : 42 years, Occ : Business,] ...Applicant.
Residing at Rathi 1407, 1408, 14th floor,]
Centreo By M.J. Saha, P. Lokhande Marg,]
Gautam Nagar.]

Versus

The State of Maharashtra]
(At the instance of DCB CID Unit-7,]
Vide FIR No.47/2024)] ...Respondent.
(Corresponding C.R.No.353/2024, Pant Nagar]
Police Station)]

Advocate Sana Khan for applicant.
APP Iqbal Solkar for the State.

CORAM : SHRI. S. B. PAWAR,**THE ADDL. SESSIONS JUDGE (C.R. No.30)****DATE : 19th March, 2025.****ORDER**

The applicant who is arrested in connection with FIR No.47/2024 registered at DCB CID, Unit – 7 (Pant Nagar Police Station, C.R.No.353/2024) for the offence under Section 304, 304(2), 120B, 338, 337, 427 r/w 34 of IPC has filed present application for regular bail under Section 439 of Cr.PC.

2. As per the case of the prosecution, on 13.05.2024 at about 3.45 p.m. a large hoarding erected near BPCL Petrol Pump, Samata Colony, Eastern Express Highway, Ghatkopar (E), Mumbai, collapsed causing death of 17 persons and injuries to more than 80 persons as well as causing loss in crores of total 79 vehicles. It is alleged that the land on which the hoarding was constructed belonged to the State Government and permission of BMC was required for erection of the hoarding. However, accused persons hatched criminal conspiracy in order to show that the plot of land was belonging to Railway. They changed the original size 40 x 40 ft of the hoarding to almost 120 x 140 ft. The term of the tender period was also increased in connivance with the officers of the Government Railway Police (GRP) and BMC. The construction of the hoarding was of sub-standard quality and therefore, the hoarding collapsed leading to the casualties. The allegation against the applicant is that he received an amount of about Rs.84 lakhs from Ego Media Pvt. Ltd. and Gujju Ads. Pvt. Ltd. in furtherance of criminal conspiracy for availing permissions in respect of the collapsed hoarding.

3. Read application and reply Exh.2 filed by the prosecution through investigating officer. Heard both sides.

4. Ld. advocate for the applicant argued that all the accused persons are released on bail. Charge-sheet has been filed. Though it is contended by the investigating agency that they have filed petition in the Hon'ble High Court for cancellation of bail granted to other accused, no notice of any such petition is received by the accused persons. The applicant is not directly responsible for collapse of the hoarding. The accused who were directly involved and who allegedly were responsible for collapse of the hoarding are on bail. Therefore, applicant is entitled

to bail on the ground of parity. The applicant is in custody since 29.12.2024. He is not named in the FIR. There is not a whisper in the main charge-sheet regarding role of the applicant in the offence. He has no criminal antecedents. He has no nexus with Ego Media Pvt. Ltd. He has co-operated in the investigation prior to his arrest.

5. Ld. advocate for the applicant further argued that collapse of hoarding is an act of God. On the said day, due to bad weather, several other calamities took place in the city of Mumbai but FIR is registered only in the present case because of political pressure. The applicant is arrested merely on suspicion. It is alleged that applicant acted as mediator between the officers and the main accused but investigating agency has not made any of the officers as accused. Therefore, no case can be built against the applicant. The allegations made against the applicant are not substantiated. There is no bank transaction of the applicant with Ego Media Pvt. Ltd. There is no statement to connect the applicant with Ego Media Pvt. Ltd. The applicant, in his statement dated 14.06.2024, had already given valid explanation in respect of transaction between him and Ego Media Pvt. Ltd. There is no *mens rea* to attract offence under Section 304 of the IPC. Therefore, on the above grounds, ld. advocate for the applicant urged to admit the applicant to bail on any terms and conditions.

6. Ld. advocate for the applicant placed reliance on the following judgments in support of her submissions-

- 1) **Indrapal Gurunath Patil V/s. State of Maharashtra, Bail Application No.547 of 2024 (Bombay High Court).**

- 2) **Mohammad Rafique Mohammad Salim Siddiqui V/s. The State of Maharashtra, Bail Application No.178 of 2022 (Bombay High Court).**
- 3) **Yunus Razzak Shaikh V/s. The State of Maharashtra, Criminal Bail Application No.979 of 2021 (Bombay High Court) and**
- 4) **Sanjay Chandra V/s. Central Bureau of Investigation, (2012) 1 SCC 40.**

7. *Per contra*, ld. APP submitted that the State Government had floated tender for hoarding admeasuring 40x40 feet and the same was agreed by Ego Media Pvt. Ltd. After appointment of new commissioner Mr. Khalid, the conspiracy was hatched to make use of the word 'Railway' to get rid of prior permission and the restrictions of BMC in respect of size of the hoarding. The accused was actively involved in the said conspiracy.

8. Investigating officer submitted that though the letters for legal opinion were forwarded by GRP, the payment to the agencies was made directly by Ego Media Pvt. Ltd. for the said purpose. The applicant and Ego Media Pvt. Ltd. entered into the transaction of Rs.1 crore to obtain the permissions. Ego Media Pvt. Ltd. and Gujju Ads issued total 36 cheques of aggregate amount of Rs.84 lakhs to the applicant in the name of different beneficiaries, who later on deposited cheques in their bank accounts and paid cash to the applicant.

9. The Investigating officer further submitted that the charge-sheet is filed against the applicant to avoid default bail, but investigation is still in progress. Petition has been filed for cancellation of bail granted to other accused persons. The investigation is still

incomplete and there is involvement of the applicant in the offence. Therefore, ld. APP and investigating officer opposed the prayer of bail.

10. I have carefully considered rival submissions of both the sides. I have minutely perused the copy of supplementary charge-sheet annexed with the application. I have considered all the judgments relied upon by ld. advocate for the applicant. It is the matter of record that initially the main charge-sheet was filed against four accused persons i.e. accused No.1 Bhavesh Bhinde owner / director of the Ego Media Pvt. Ltd., accused No.2 Manoj Ramkrushna Sangu who prepared design and issued structural stability report of the hoarding, accused No.3 Janhavi Marathe, director of Ego Media Pvt. Ltd. and accused No.4 Sagar Kumbhar, a contractor who constructed the hoarding. All these accused were directly involved in the construction of the defective hoarding and all of them are released on bail by this Court after filing of the charge-sheet.

11. The allegation against the applicant in the supplementary charge-sheet is that he was instrumental in procuring the permissions for the hoarding and had accepted amount of more than Rs.1 crore for the said work from accused Bhavesh Bhinde and Janhavi Marathe. Admittedly, it is not the case of the prosecution that applicant was directly involved in the erection / construction of the defective hoarding. Therefore, it is debatable if the offence under Section 304 of IPC can attract against the applicant. The investigation against the applicant is complete and supplementary charge-sheet has been filed. He does not have criminal antecedents. He appears to be permanent resident of Mumbai. There is least possibility that he can abscond or tamper with the evidence. The main accused persons are already

released on bail. Considering the lesser role attributed to the applicant, the rule of parity applies. In these circumstances, in my opinion, the applicant deserves to be released on bail. Hence, I pass the following order :

ORDER

1. The Bail Application No.620 of 2025 is allowed.

2. The applicant namely **Mohd. Arshad Nijamuddin Khan** resident of Rathi 1407, 1408, 14th floor, Centreo By M.J. Saha, P. Lokhande Marg, Gautam Nagar, who is under detention in connection with C.R.No.47/2024 registered with DCB CID Unit-7, Mumbai (corresponding C.R.No.353/2024, Pant Nagar Police Station) for the offence under Section 304, 304(2), 120(B), 338, 337, 427, 34 of the Indian Penal Code, be released on bail on his executing personal bond in the sum of Rs.1,00,000/- with one or two sureties in like amount subject to following conditions -

- I. The applicant shall attend the each dates of hearing in the case arising out of the subject crime.
- II. The applicant shall not directly or indirectly make any inducement, threat or promise to the prosecution witnesses so as to dissuade them from disclosing the facts of the case to the Court or to the Police Officer or tamper with the evidence;
- III. The applicant shall not indulge in commission of similar crime;
- IV. The applicant shall not leave India without prior permission of this Court;
- V. The applicant shall keep the investigating agency and the Court updated of his contact details, place of residence, etc. in case of any change / alteration therein, within two weeks of such change or alteration.

- VI. The applicant shall attend the office of the investigating agency on 3rd Sunday of each month between 11.00 a.m. to 12.00 noon till conclusion of the trial.
3. Provisional cash bail in lieu of surety stands granted for a period of six weeks.
4. The Bail Application No.620 of 2025 is disposed of accordingly.



Date : 19/03/2025

(S.B. PAWAR)
Additional Sessions Judge
City Civil & Sessions Court,
Gr. Bombay

Dictated on : 19/03/2025
Transcribed on : 20/03/2025
Signed on : 24/03/2025

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”		
Upload Date	Upload Time	Name of Stenographer
24/03/2025	4.18 p.m.	J. S. Chavan

Name of the Judge (With Court Room No.)	SHRI. S.B. PAWAR (CR 30) THE ADDL. SESSIONS JUDGE
Date of Pronouncement of JUDGEMENT /ORDER	19/03/2025
JUDGEMENT /ORDER signed by P.O. on	24/03/2025
JUDGEMENT /ORDER uploaded on	24/03/2025