

PRACHI
PRANESH
NANDIWADEKAR

Digitally signed
by PRACHI
PRANESH
NANDIWADEKAR
Date: 2026.08.27
15:38:43 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2015 OF 2026

Mohammed Rafiq Khan alias Batla ... Applicant

V/s.

State of Maharashtra Respondent

Ms. Siddh Vidya a/w Ms. Mansi Sahani, Ms. Akshata Morye, Ms. Rohini Kaushal i/by Siddh Vidya & Associates, for the Applicant.

Mr. S. V. Walve, APP, for the Respondent-State.

Mr. Ram Talekar, PSI attached to Mangaon Police Station, District Raigad present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 25 AUGUST 2026

P. C. :-

1. Heard Ms. Vidya, learned Counsel appearing for the Applicant and Mr. Walve, learned APP appearing for the Respondent-State.

2. By this application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Applicant is seeking pre-arrest bail in connection with C.R. No. 116 of 2026 registered with Mangaon Police Station, District Raigad for the offences punishable

under Sections 310(2), 311, 127(2), 331(6), 324(4) and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case is set out in paragraph nos.4 to 4.6 of the Anticipatory Bail Application which reads as under :-

“4. That, the brief facts of the case are as under:-

4.1. That, the informant, Mr. Avil Jeram Menezes is the liquidator appointed by the Hon’ble Court for present company i.e., Pioneer Gas Power Plant, Vile Bhagad, Mangaon (hereinafter referred as the company).

4.2. That, the informant received a call from one Mr. Rushi Rajkumar Janardhan Singh, Maintenance person of Pioneer Gas Power Plant on 19/04/2026 at 07:45 am in the morning stating that a robbery has taken place at the Pioneer Power Gas Plant premises between 18/04/2026 (20:00 hrs) and 19/04/2026 (06:00 hrs).

4.3. That, the informant visited the premises on the same date at around 02:00 p.m. and lodged an FIR at Mangaon Police Station.

4.4. That, the FIR stated that 7 to 8 unknown persons entered into the company, threatened the nine security guards with knives and sticks and confined them in Rest-house of the company snatched their mobile phones, broke CCTV cameras and took its memory cards. The unknown persons also snatched two of the mobile phones and stole copper wire, batteries, and other materials valued at Rs. 4,13,000/- from the company.

4.5. That, the FIR was registered against 8 unknown persons and the Applicant herein was not named anywhere in the FIR. Subsequently, the prosecution started making arrests and till date have arrested about 18 persons in connection with this FIR.

4.6. That, as per the prosecution two of the arrested suspects i.e., Ketan Kode and Rakesh Gosavi have allegedly implicated the Applicant herein in their custodial confessional statements. Accordingly, the Respondent has implicated the Applicant

herein the present crime and seeking arrest of the Applicant as per the Remand Reports filed by the Respondent time to time.”

4. It is the submission of Ms. Vidya, learned counsel appearing for the Applicant that the Applicant is not at all involved in the crime. She submits that total 7 remand reports are filed and in every remand report, the number of Accused are added. As per the last remand report i.e., 7th Remand Report, 19 Accused were arrested and 13 Accused remained to be arrested. She submits that the subject company is in possession of the Liquidator and earlier also robbery has taken place, where the police are involved and six police personnel were suspended. It is submitted that the Applicant is one of the witness in the said case against police and therefore, false case has been lodged against the Applicant.

5. On the other hand, learned APP appearing for the Respondent-State submitted that earlier also, there was a robbery and as the said company is in possession of the Liquidator, serious action was required to be taken, however, as police has shown dereliction in duty and, therefore, six police personnel were suspended and enquiry was lodged. He submitted that the Applicant was not witness in that said case but another Co-accused in this case was the witness who was working with the Applicant

as a Driver. He further submitted that in this case, there is sufficient material showing the involvement of the Applicant in the crime. He submitted that during investigation, it has transpired that the Applicant has main role and the Applicant was in contact with most of the Co-accused and when the incident took place, there was conversation between the Applicant and the other Co-accused. He submitted that during investigation, the role of the Applicant has been revealed and it was found that the Applicant has conducted the inspection of this company before the commission of the offence and in fact, the Applicant is a main person who has drawn the strategy about the manner in which the offence is to be committed.

6. A perusal of the record shows that Pioneer Gas Power Plant, Village Bhagad, MIDC, Mangaon, Tal. Mangaon, District Raigad was in the possession of the Liquidator. The area of the said company is very huge. The learned APP has pointed out to this Court the material showing that the present Applicant is in fact the main Accused and he has drawn the strategy about the manner in which the offence is to be committed. During the relevant time, he was in contact with most of the Accused and there were

conversations on Cell Phone between the Applicant and many Co-accused during the relevant time when the offence took place. The offence is very serious. The Accused before commission of the offence has damaged CCTVs which were installed at the said Gas Power Plant so that the offence can be committed without detection.

7. Thus, in the facts and circumstances, no case is made out for grant of anticipatory bail.

8. Anticipatory Bail Application is rejected.

[MADHAV J. JAMDAR, J.]