

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2244 OF 2025

1. Mohammad Saleem Mustafa
Hassan Quraishi
2. Arshalan S. Qureshee ...Applicants
V/s.
- The State of Maharashtra & Anr. ...Respondents.

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Adv. Kalam Shaikh a/w. Ms. Rekha Gaikwad for the Applicant.
Mr. B.V. Holambe Patil, APP for the Respondent/State.
Ms Deepali Bagla, Appointed Advocate for Respondent No.2/first informant.
PSI Gopinath Kendre, Pairavi Office of Malvani police station is present.

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CORAM : N.R. BORKAR, J.
DATE : 13.11.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicants are apprehending their arrest in Crime No.1257 of 2024 registered at Malwani Police Station, for the offences punishable under Sections 74, 118(1), 115(2), 352, 351(2), 189(2), 189(4), 190 of the Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012.
3. According to the prosecution, in the month of September 2024, the minor daughter of the first informant complained to him that the applicants used to give her chocolates and made her sit on their laps under the pretext that they were her father's friends.

It is alleged that upon confronting on 19th September 2024, the present applicants and other co-accused assaulted the first informant with a knife and stone.

4. I have heard the learned counsel appearing for the applicants, the learned APP for the respondent / State and the learned appointed counsel for the respondent No.2/first informant.

5. Learned counsel for the applicants submits that there is a delay in lodging the first information report. It is submitted that false report came to be lodged against the present applicants and their family members as a counter blast to the FIR lodged by the wife of the applicant No.1 against the first informant for outraging her modesty. Learned counsel for the applicants submits that applicant No.2 is a Law student. It is submitted that there are no other criminal antecedents against the applicants and they are ready to cooperate in the investigation.

6. On the other hand, learned APP for the respondent/State and the learned appointed advocate for respondent No.2/first informant submit that applicant No.2 assaulted the first informant with a paver block and knife. It is submitted that the first informant sustained grievous injuries in the incident. Learned APP submits that to recover the knife custodial interrogation is necessary. It is submitted that considering the nature of crime, the applicants may not be released on anticipatory bail.

7. There is a delay in lodging the first information report. There are no other criminal antecedents against the applicants. Considering the overall facts and circumstances, I am inclined to release the applicants on anticipatory bail on certain conditions. In the result the following order is passed.

ORDER

A) The Application is allowed.

B) In the event of arrest of the applicants in C.R. No. 1257 of 2024 registered at Malwani Police Station, for the offences punishable under Sections 74, 118(1), 115(2), 352, 351(2), 189(2), 189(4), 190 of the Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012, they be released on bail on executing P.R. Bond in the sum of Rs.25,000/- each with one surety or two sureties in the like amount.

C) The applicants shall not commit any other crime.

D) The applicant No.2 shall not enter into the jurisdiction of Malwani Police Station for a period of one year.

8. The Application is disposed of in the aforesaid terms.

[N.R.BORKAR, J.]