

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2937 OF 2025

Mohd. Shahrukh Jahangir Momin ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Laxman Shahapur, a/w Adv. Bhimanna Meti, a/w Mr. Ashish Chauhan, a/w Mr. Rohit Mishra i/b Adv. Reshma Chavan, Advocate for the Applicant.

Mr. P. H. Gaikwad, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 03.11.2025.

P.C. :

1. This is an application for Anticipatory Bail.
2. The applicant is apprehending his arrest in Crime No. 1472 of 2025 registered at V. P. Road Police Station, for the offences punishable under Sections 3(5), 351(3), 115(2), 191(3), 191(2), 189(4), 189(2), 118(1) and 118(2) of the Bharatiya Nyaya Sanhita, 2023.
3. It is the case of the prosecution that on 08.10.2025 at around 11:00 pm, the first informant along with his friend was sitting near Cross Lane Corner at Girgaon. At that time, co-

accused Shafiq Momin and Harul Momin arrived carrying a garbage bag. It is alleged that dispute arose between them. It is alleged that, shortly thereafter, other co-accused came there and started quarreling with the first informant and his friends. In fit of anger the first informant picked up bamboo stick and damaged vehicles nearby which belonged to the accused. It is alleged that the applicant along with other co-accused assaulted the first informant by bamboo stick. When the first informant's brother, Aadil Qureshi arrived, it is alleged that the applicant assaulted him with a bat causing grievous injuries.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

5. The learned counsel for the applicant submits that there is a cross FIR in relation to the alleged incident. It is submitted that there is delay of one day in lodging the present FIR. It is submitted that there are no other criminal antecedents against the applicant. It is submitted that the applicant, without prejudice to his rights and contentions, is willing to pay Rs.10,000/- to the injured Aadil Qureshi towards medical expenses. It is submitted that the applicant may be released on

anticipatory bail.

6. On the other hand, the learned APP for the respondent-State submits the applicant was part of the unlawful assembly. It is submitted that there are in all three injured persons and one of the injured persons has sustained grievous injury. The learned APP submits that the injured Aadil Qureshi to whom the present applicant has assaulted was in no way concerned with the dispute between the first informant and accused persons and he was trying to resolve their dispute still the present applicant assaulted him by cricket bat. It is submitted that the custodial interrogation of the present applicant is necessary to recover the said cricket bat. It is submitted that considering the nature of crime, the applicant may not be released on bail.

7. I have perused the injury certificate of Aadil Qureshi. The injury is simple in nature. The grievous injury caused to the one of the injured is not attributed to the present applicant. There are no other criminal antecedents against the applicant. There is a cross FIR in relation to the alleged incident. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on anticipatory bail. In the result, the

following order is passed :

ORDER

- a) The Application is allowed.
- b) In the event of arrest of the applicant in connection with Crime No. 1472 of 2025 registered at V. P. Road Police Station, for the offences punishable under Sections 3(5), 351(3), 115(2), 191(3), 191(2), 189(4), 189(2), 118(1) and 118(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- c) The applicant shall attend the concerned police station as and when called by the investigating officer and shall co-operate in the investigation.
- d) The applicant shall hand over a demand draft of Rs.10,000/ to the investigating officer within two weeks, who in turn shall hand over the said demand draft to the injured, Aadil Qureshi.
- e] The application is disposed of in the aforesaid terms.

[N.R.BORKAR, J.]