

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

ANTICIPATORY BAIL APPLICATION NO. 3103 OF 2025

Shafique Sultan Momin

...Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Laxman R. Shahapur, a/w Adv. Bhimanna Meti, Mr. A. Chauhan & Ms. Deepali Bobade, Advocate for the Applicant.
Ms. Rutuja Ambekar, APP for the Respondent/State.

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

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 a delay of one day in lodging the present FIR. It is submitted that the applicant was also injured in the alleged incident. The learned counsel for the applicant submits that the applicant, without prejudice to his rights and contentions,

is willing to pay Rs.50,000/- to injured Anwar Qureshi, towards medical expenses.

6. On the other hand, the learned APP for the respondent-State submits that the applicant was a part of unlawful assembly. It is submitted that there are total three injured persons and out of them one of the injured person has sustained grievous injury. It is submitted that said grievous injury is attributed to the present applicant. The learned APP submits that the custodial interrogation of the applicant is necessary to recover a bamboo stick. It is further submitted that the applicant is involved in one more crime for the offence punishable under Section 118 of the Bharatiya Nyaya Sanhita, 2023. It is submitted that the considering the nature of crime the applicant may not be released on anticipatory bail.

7. Admittedly, there is a cross FIR in relation to the alleged incident lodged by the present applicant. From the cross FIR it appears that the applicant was also injured in the alleged incident. Considering the said facts and circumstances, 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 not commit any other crime.

e) The applicant shall hand over a demand draft of Rs.50,000/- to the investigating officer within four weeks, who in turn shall hand over the said demand draft to the injured, Anwar Qureshi.

f) The application is disposed of in the aforesaid terms.

[N.R.BORKAR, J.]