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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 545 OF 2026

Arif Tesleem Khan ...Applicant

V/s.

State Of Maharashtra And Anr. ...Respondents

Adv. Amit A. Katarnaware a/w Adv. Aditya Katarnaware and Nilesh Lokhane, for the Applicant.

Adv. Ashok S. Gawai, APP for the Respondent – State.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 14th OCTOBER, 2026.

P.C. :-

1. Heard learned counsel for the applicant as well as learned APP for the respondent-State.

2. The applicant has filed the instant application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, for seeking pre-arrest bail in connection with Crime No. 1591 of 2025 registered with Mumbra Police Station, Thane (City), for the offence punishable under Sections 310(2), 74, 189(2), 189(3), 190, 191(2), 115(2), 352 and 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The FIR is registered on the basis of allegations made by the complainant alleging that this applicant along with accused No. 1, 2 and accused no. 4 to 5 have attempted to outraging the modesty of the applicant.

4. As per the prosecution, the complainant is the wife of accused No.1, Rafiq Kamdar. The complainant and accused No.1 have been living separately since the year 2022. On 1st October, 2025, at around 12.00 noon, accused No.1, Rafiq Kamdar, was protesting outside Mumbra Police Station. The complainant, accompanied by her two children, went there to meet him. At that time, accused No.1, Rafiq, along with accused No.2, Shahid Shaikh, allegedly abused the complainant. It is further alleged that the present accused Arif Khan caught hold of the complainant from behind, accused No.5. Nusrat, and accused No.4, slapped her. During the scuffle, accused snatched the gold chain of the complainant weighing about 10 grams. Based on these allegations, the complainant lodged the First Information Report.

5. Learned Advocate appearing for the applicant submitted that the allegation against the applicant is only of holding the complainant from behind and there is no allegation of any attack by

use of any weapon. He pointed out that the applicant has no previous criminal record. He submitted that the incident appears to be a result of a sudden quarrel, and the role attributed to the applicant is general in nature. Further, learned counsel for the applicant submits that another Co-accused person by name Parvez Munir Ahmed Shaikh has already been granted anticipatory bail by order dated 20th November 2025 passed in Anticipatory Bail Application No. 3140 of 2025 so also, accused no. 5 Nushrat has been released by order dated 06.11.2025 in ABA No. 3039 of 2025 passed by this Court. He also states that in accordance with the interim protection granted to this applicant by order dated 08.06.2026, he has extended the co-operation during investigation and therefore prays for confirmation of the interim protection.

6. Learned APP has opposed the application by stating that the allegations against the applicant are of a serious nature. The FIR and statements of witnesses clearly assign a specific role to the applicant, of holding the complainant from behind. He argued that custodial interrogation is necessary to verify the sequence of events and the involvement of each accused. Therefore, he submitted that the application for anticipatory bail be rejected.

7. Perused the FIR and documents placed on record. The allegations in the FIR against this applicant attributes a limited role of holding the complainant from behind. There is no allegation of use of any weapon or infliction of any injury by this applicant. Further, this Court has allowed anticipatory bail application of Parvez and Nushrat, even when there are allegations about slapping by Parvez. Also, the applicant has extended co-operation in accordance with interim protection granted by this Court. There is nothing to show that custody of this applicant is required for any purpose and there is no question of any recovery.

8. Considering all above aspects including ground of parity, the personal liberty of this applicant needs to be protected and therefore, the interim protection granted to the applicant needs to be confirmed, subject to certain conditions.

9. Hence, I pass the following order :

: ***O R D E R :***

i] The Anticipatory Bail Application is allowed.

ii] In the event of arrest of the applicant in Crime No. 1591 of 2025 registered with Mumbra Police Station, Thane (City), for the offence punishable

under Sections 310(2), 74, 189(2), 189(3), 190, 191(2), 115(2), 352 and 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023, he be released on bail on furnishing P. R. Bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of the like amount.

iii] The applicant is directed to attend the police station as and when called upon by the Investigating Agency.

iv] The applicant shall cooperate with the Investigating agency during investigation and trial.

v] The applicant shall not tamper with the prosecution evidence or influence the informant and witnesses directly or indirectly.

vi] Breach of any of these conditions would be a ground for cancellation of anticipatory bail.

10. In view of this, the instant Anticipatory Bail Application is allowed and disposed of.

(PRAFULLA S. KHUBALKAR, J.)