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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2075 OF 2026

Irfan Basu Sheikh …Applicant

Vs.

State of Maharashtra
(At the instance of Ulwa Police Station vide C.R. NO. 42 of 2026) …Respondent

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Mr. Gaurav Bhawnani a/w. Mayanka S.R., for the Applicant.
Ms. Savita M. Yadav, APP for the Respondent-State.
PSI Shubhangi Shamrao Sathe, Ulwa Police Station, Navi Mumbai.

CORAM: MADHAV J. JAMDAR, J.
DATE : 18th AUGUST, 2026

P. C.:

1. Heard Mr. Bhawnani, learned counsel appearing for the Applicant and Ms. Yadav, 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. 42 of 2026 registered with Ulwe Police Station, Navi Mumbai for the offences punishable under Sections 109, 121(1), 132, 189(2), 190, 191(2), 191(3), 223, 309(6), 351(3), 352 r/w 3(5) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and Sections 3, 4 read with 25 of the Arms

Act, 1959 and Section 37(1)(A) r/w 153 of Maharashtra Police Act, 1951.

3. It is the submission of Mr. Bhawnani, learned counsel appearing for the Applicant that he is a Ola driver and his two wheeler bearing No. MH03 CL7518 was found on the spot as the Applicant had parked his two-wheeler and was proceeding towards the cricket turf, he heard some commotion and, therefore, ran away from the place. He submitted that, therefore, the Applicant is not involved in the crime. He is not seen in the CCTV footage, nor has any of the eye-witnesses seen him. He further submitted that the charge-sheet has already been filed and that the Applicant has no criminal antecedents. He submitted that the injuries sustained by the injured are simple in nature.

4. Learned counsel for the Applicant submits that there are total 15 accused, out of whom 8 accused are named in the F.I.R., and 7 accused are shown as absconding in the charge-sheet. He submits that as regards the 8 accused against whom the charge-sheet has been filed, 7 accused have already been granted bail.

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5. On the other hand, Ms. Yadav, learned APP submits that the material on record clearly shows the involvement of the Applicant in the crime. She submits that in the F.I.R. itself, it is mentioned that the driver of the said motorcycle No.MH03 CL7518 has ran away from the spot by keeping the said motorcycle there. She also points out the spot panchnama where the presence of the said motorcycle is specifically mentioned. She has pointed out the panchnama of the CCTV footage which shows that several persons are seen to be involved in the crime. She also points out the injury certificate.

6. The prosecution case is set out in paragraph Nos. 1 and 2 of the order dated 16th July, 2026 passed by the learned Additional Sessions Judge, Panvel in Criminal Bail Application No. 539 of 2026, which read as under :-

> "1 The applicant Irfan Basu Sheikh apprehends arrest in connection with the investigation carried out for alleged conspiracy and for unlawfully assembling with deadly weapons and for attacking the police men and the informants by using abusive language and obstructed them from performing their official

duty, which resulted into registration of Crime No. 42/2026 with the Ulwe Police station, Navi Mumbai for the offences p/u/sec.132, 121(1), 109, 309(6), 189(2), 191(2), 191(3), 190, 352, 351(3), 223 Bhartiya Nyaya Sanhita 2023, r/w. Sec.3/25, 4/25 of Indian Arms Act r/w. s.37(1)(A), 135 of The Maharashtra Police Act.

2. Between 31.01.2026 23.55 pm and 01.02.2026 00.15 am, a team of police men on their official duty were investigating crime no.23/2026 and where in search of accused involved in the NDPS Act and where going from Shagun Chowk towards Ulwe Police station for seeking police assistance. The applicants and other co-accused persons conspired with common intention and unlawfully assembled with armed weapons and attacked Shri. Mandhare, the Sub-police Inspector and his police informers and injured them resulting into which offence came to be registered under various sections of law."

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7. Thus, the prosecution case shows that very serious crime has been committed by the accused. The police officials were on their official duty of investigating Crime No.23 of 2026 where in search of accused involved in the serious offence under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985 was going from Shagun Chowk towards Ulwe Police station and at that time, the present Applicant and other co-accused persons conspired and committed unlawfully assembly with deadly weapons and attacked the Policemen including the First Informant by using abusive language and obstructed them from performing their official duty.

8. The offence is very serious as the accused have alleged to have committed an offence punishable under Section 121 of the BNSS, involving the causing of grievous hurt to a public servant in the discharge of his duty. The other offences are also of a serious nature.

9. As regards the contention of the Applicant that he is not involved in the crime, it is to be noted that the Applicant's motorcycle was found at the spot of the incident. The F.I.R. has been lodged by a Police Constable who had witnessed the incident.

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He has specifically stated that the person who was riding the said motorcycle abandoned the motorcycle and ran away from the spot. Thus, there is *prima facie* material showing the involvement of the Applicant in the crime. The explanation of the Applicant that he had parked his motorcycle and was proceeding to see the turf cricket ground cannot be believed at this preliminary stage, when there is material on record to indicate that the person riding the motorcycle has ran away from the spot of the incident, abandoning it. The incident has also been captured on CCTV. The Applicant is absconding.

10. Accordingly, no case is made out for grant of anticipatory bail. The Anticipatory Bail Application is dismissed.

11. The observations in this order are made for considering the present Anticipatory Bail Application. The learned Trial Court shall not be influenced by any of the observations made hereinabove and shall decide the case on its own merits.

[MADHAV J. JAMDAR, J.]