IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2322 OF 2026

Hasmat Raza Nazir Mohammad …Applicant

Versus

The State of Maharashtra …Respondent

Mr. Shaikh Ebaad, for the Applicant.
Mr. Prashant P. Jadhav, APP, for the Respondent-State.
Mr. S. S. Devkar, PSI, attached to Chikhali Police Station, Pimpri-Chinchwad, Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 5th OCTOBER 2026

PC:-

1. Heard Mr. Shaikh, learned Counsel appearing for the Applicant and Mr. Jadhav, learned APP appearing for the Respondent-State.

2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("**BNSS**") seeking pre-arrest bail in connection with C.R. No.384 of 2026 registered with Chikhali Police Station, Pimpri-Chinchwad, Pune, for the offences punishable under Sections 3 and 7 of the Prevention of Damage to Public Property Act, 1984, Sections 37(1)(3) and 135 of the

Maharashtra Police Act, 1951 and Sections 189(2),189(3), 189(5), 190 and 324(3) of the Bharatiya Nyaya Sanhita, 2023 ("**BNS**").

3. It is the submission of Mr. Shaikh, learned Counsel appearing for the Applicant that the Applicant is not involved in the crime and that there are no other antecedents against the Applicant and the Applicant will co-operate with the investigation.

4. On the other hand, Mr. Jadhav, learned APP strongly opposes the Anticipatory Bail Application. He submits that the Applicant is involved in the crime. There are statements of the eye-witnesses and there is a CCTV footage of the incident. He submits that 38 accused have already been arrested and released on a regular bail. The chargesheet has been filed against the arrested accused.

5. The prosecution case is set out in paragraph No.4 of the order dated 5th August 2026, passed by the learned Additional Sessions Judge and District Judge-2, Pimpri-Chinchwad, Pune, in Criminal Bail Application No.1004 of 2026, which reads as under:

> *"4. On 09/06/2026 at about 00.30 at night at Pimpri Chinchwad Municipal Corporation,*

Kudalwadi, police went for removing encroachment of illegal temple and masjid infront of King Katta, near Nayara Petrol Pump, Public Road, Kudalwadi, Chikhali Pune, at that time accused Nazim N. Chaudhari and Izaz Chaudhari came there alongwith mob of 300 to 400 people and pelted stone on the police staff and Government vehicle bearing No. MH-12-VC-8148. Vehicle was damaged and police officer and police staff sustained injuries. Therefore FIR registered against two accused and unknown persons. Accused Nazim Naim Chaudhary and Izaz Wakar Chaudhary were arrested on the spot other accused were arrested on the next date by attribution of separate role against them."

6. Thus, as per the prosecution case, the Pimpri-Chinchwad Municipal Corporation was taking action to remove an illegal Temple and Masjid encroaching upon the public road in front of King Katta, near Nayara Petrol Pump, Public Road, Kudalwadi, Chikhali, Pune and at that time a mob of 200-300 peoples gathered there started pelting stones at the police and several Government staff members. Therefore, the FIR has been lodged against two named accused and unknown persons.

7. Mr. Jadhav, learned APP has relied on the statement of one eye-witness dated 17th June 2026, wherein he has stated that the present Applicant was giving slogans and throwing stones. However, persual of the statement of the said eye-witness shows

that in fact, at the place of the incident his motorcycle has been found. There is CCTV footage of the incident on which learned APP has relied, which shows that the Applicant is prima facie involved in the crime. However, this is a case where about 300 persons are allegedly involved in the crime. The incident has taken place as the Pimpri-Chinchwad Municipal Corporation was removing encrochment of illegal Temple and Masjid. 38 persons have already been arrested and released on regular bail. Chargesheet is filed against them. Thus investigation is practically completed. As there are no other antecedents against the Applicant, the case is made out for grant of Anticipatory Bail by imposing stringent conditions. In view thereof, the following order is passed:

O R D E R

(a) In the event of arrest of the Applicant-Hasmat Raza Nazir Mohammad in connection with C.R. No.384 of 2026 registered with the Chikhali Police Station, Pimpri-Chinchwad, Pune, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.30,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall attend the concerned Police Station on **12th October 2026 and 13th October 2026** between 11:00 a.m. to 02:00 p.m. and shall cooperate with the investigation.

(c) The Applicant shall attend the concerned Police Station once in a month i.e. on 1st Sunday of each month between 11:00 a.m. to 02:00 p.m. till filing of the chargesheet and shall cooperate with the investigation.

(d) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(e) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(f) The Applicant shall not tamper with the prosecution

evidence and shall not contact or influence the Complainant or any witness in any manner.

8. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]