Sharada

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1630 OF 2026

Nikhil Dilipsingh Pardeshi And Ors .. Applicants

Versus

The State of Maharashtra .. Respondent

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- Mr. Chinmay K. Gunjal, Advocates for Applicants Nos. 1 to 5.
- Ms. Gauri Rao, APP for Respondent.

SHARADA RANGNATH WAHULE

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 16, 2026

P.C.:

1. Heard Mr. Gunjal, learned Advocate for Applicants Nos.1 to 5 and Ms. Gauri Rao, learned APP for Respondent.

2. The present FIR has been registered by the State against five known persons and thirteen other unknown persons. The facts of the case are that the police were in search of a person whom they had apprehended and were taking him away from the village in their vehicle. The elected candidate, who is the cousin brother of the said person, along with his wife, who is arraigned as Accused No. 3, questioned the police officers regarding their actions.

3. A perusal of the FIR reveals that no specific overt act has been attributed to any of the Applicants that would warrant the invocation of Section 353 of the Bharatiya Nyaya Sanhita (BNS). In

fact, after the police officers informed those present of the reason for apprehending the said person, the mob of approximately 19 to 20 persons that had gathered dispersed, and the police proceeded further. More than ten other persons who were part of the said mob were standing behind the five accused persons appearing before this Court.

4. I have perused the material placed before this Court. Prima facie, the material does not disclose any specific incriminating overt act or conduct attributable to the Applicants, except for the general allegation that a mob of approximately eight to ten persons had gathered. The FIR has also been registered against thirteen unknown persons.

5. It is further prima facie evident from the reading of the FIR that the police vehicle was acting as a pilot vehicle for the vehicle in which the apprehended person was seated, and the said vehicle was following the police vehicle. The FIR does not disclose any specific act of obstruction attributable to the Applicants.

6. In view of the aforesaid facts and circumstances, I am inclined to accept the case of the Applicants. Accordingly, the Application stands allowed in terms of prayer clause (a).

[MILIND N. JADHAV, J.]