IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2757 OF 2026

Parvez Rafique Chaudhary …Applicant

Versus

The State of Maharashtra …Respondent

Adv. Rehana Begum, for Applicant.

Mrs. Megha S. Bajoria, A.P. P., for Respondent – State.

PSI Sudhir A. More, Chithalsar Police Station, Thane City, is present.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 6TH OCTOBER 2026

P. C:-

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

2. The applicant has filed the instant application under Section 482 of The Bharatiya Nagarika Suraksha Sanhita, 2023 (for short, **"BNSS"**), for seeking pre-arrest bail in connection with Crime No. 268 of 2026 dated 22.08.2026 registered with Chithalsar Police Station, Manpada, Thane City, for the offence punishable under Sections 109(1), 189(1) 189(2), 190, 191(2), 351(2), 352 of The Bharatiya Nyaya Sanhita, 2023 read with

Sections 4 and 25 of The Arms Act, 1959 read with Sections 37(1) and 135 of The Maharashtra Police Act, 1951.

3. The FIR is registered on the basis of a report lodged by the complainant alleging that on 21.08.2026 at about 22:30 hours there was a quarrel in between the informant and the group of persons including this applicant and at that time, one of the accused person has attacked on the vehicle of the informant and at that time caused injury to the complainant's nose. It is alleged that this applicant was present on the spot along with the other accused persons and on the basis of these allegations, offence came to be registered against seven known persons and three-four unknown persons.

4. Learned counsel for applicant submits that although offence is registered against the applicant, there are no allegations of direct attack by this applicant. She submits that the allegations of attack causing injury to the informant are attributed to the other accused persons and name of this applicant is falsely implicated. She also submits that at the relevant time, the applicant was present at some other place.

5. The application is opposed by the learned APP for respondent – State who has pointed that there are allegations about presence of the applicant on the spot and although the attack is allegedly done by the other accused persons, the presence of this applicant shows that all the accused have acted with common intention. She also submits that there are four criminal antecedents against this applicant and in view of this his presence along with other accused persons shows his connection with the offence in question

6. On perusal of the FIR, it appears that there are allegations about presence of this applicant however, the allegations about the assault on the vehicle and assault for causing injuries on the nose of the informant are attributed to some other unknown person. It has to be noted that the weapon of offence is already recovered from the other co-accused as submitted by the learned APP. As such, considering the fact that *prima facie* the applicant is implicated only on account of his presence at the time of incidence, the applicant needs to be directed to join the investigation. The presence of applicant can be secured by directing him to attend the police station and his custodial interrogation need not be insisted upon.

7. Hence, I pass following order :-

ORDER

(i) The Anticipatory Bail Application is allowed.

(ii) In the event of arrest of this applicant in connection with Crime No. 268 of 2026 registered with Chithalsar Police Station, Thane City, for the offence punishable under Sections 109(1), 189(1) 189(2), 190, 191(2), 351(2), 352 of The Bharatiya Nyaya Sanhita, 2023 read with Sections 4 and 25 of The Arms Act, 1959 read with Sections 37(1), 135 of The Maharashtra Police Act, 1951, 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 on every Friday in between 10:00 a.m. to 2:00 p.m. for a period of four weeks and thereafter as and when called upon by the investigating agency.

(iv) The applicant shall not contact the informant or any other prosecution witnesses, in any manner.

(v) The applicant is directed to extend co-operation during investigation and trial.

(vi) Breach of any of these conditions, shall be a ground for cancellation of the bail.

8. Anticipatory Bail Application is disposed of in above terms.

(PRAFULLA S. KHUBALKAR, J.)

VDMokal/-