

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 3466 OF 2025

Ayyaz Mohammad Khan

...Applicant

V/s.

The State of Maharashtra

...Respondent

INTERIM APPLICATION NO. 44 OF 2026

Mr. Hitesh Phulwani, Advocate for the Applicant.

Mr. B. V. Holambe Patil, APP for the Respondent/State.

Adv. Minal Chandani, a/w Mr. Rajesh Ranglani, i/b Adv. Monish Bhatia, Advocate for the Intervener.

CORAM : N.R. BORKAR, J.
DATE : 09.01.2026.

P.C. :

1. This is an application for Anticipatory Bail.
2. The applicant is apprehending his arrest in Crime No. 853 of 2025 registered at Ulhasnagar Police Station, for the offences punishable under Sections 304, 118(1), 115(2), 352, 189(2), 189(4), 190, 191(1), 191(2) & 191(3) of the Bharatiya Nyaya Sanhita and under Section 37(1) read with Section 135 of the Maharashtra Police Act.

3. It is the case of the prosecution that on the date of incident, which took place on 18.09.2025 at about 12.45 am, a dispute arose between one of the co-accused and the first informant on account of rash and negligent driving. It is alleged that the said co-accused called the present applicant and other co-accused. They came to the place of the incident and assaulted the first informant and his brother by fighter. During the incident, a gold chain weighing approximately 16 grams of the first informant's brother was snatched. Accordingly, the present crime was registered.

4. I have heard the learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the first informant.

5. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that no specific allegations are made against the present applicant.

6. On the other hand, the learned APP for the respondent-State and the learned counsel for the first informant submit that the custodial interrogation of the applicant is necessary to recover the fighter and also to conduct the identification parade. The learned counsel for the first informant submits that the alleged act was premeditated. It is submitted that the applicant is involved in two more crimes. It is thus submitted that the application be rejected.

7. I have perused the First Information Report. According to the first informant, he was assaulted by fighter however in the statement of the eyewitness, namely Sanjay, there is no reference of assault by fighter. *Prima-facie*, the incident does not appear to be premeditated. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed :

ORDER

- a) The Application is allowed.
- b) In the event of arrest of the applicant in connection with Crime No. 853 of 2025 registered

at Ulhasnagar Police Station, for the offences punishable under Sections 304, 118(1), 115(2), 352, 189(2), 189(4), 190, 191(1), 191(2) & 191(3) of the Bharatiya Nyaya Sanhita and under Section 37(1) read with Section 135 of the Maharashtra Police Act, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

[N.R.BORKAR, J.]