

Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 85 OF 2026

Imran @ Mehendi Hasan Ahmed

Wahid Sayyed

...Applicant

Versus

State Of Maharashtra

...Respondent

Mr. Shailesh Kharat *a/w Onkar Chaudhari, for the Applicant.*

Ms. Megha S. Bajoria, *APP for the State-Respondent.*

CORAM DR. NEELA GOKHALE, J.

DATED: 16th JANUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 408 of 2025 dated 9th September 2025 registered with Mira Road Police Station, Mira-Bhayandar, Vasai-Virar for the offences punishable under Sections 189(2), 191(2), 191(3), 190, 115(2), 118(2), 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') and Section 135 of the Maharashtra Police Act, 1951. Thereafter, the offence punishable under Section 109 of the BNS was also added.

2. The case of the prosecution, as discerned from the FIR, is that there was a dispute between the First Informant's

husband, namely Abhishek Tiwari and the Applicant and his family members. The injured victim i.e. Abhishek Tiwari had given his premises on rent to the Applicant for the purpose of running shops. It is the prosecution's case that the Applicant had made unauthorized construction by breaking down a wall in the said premises and expanded the area. He was also running a gym in the said unauthorized area. The steps leading to the gym were from the premises of the First Informant. The rent agreement had been terminated. Accordingly, Abhishek Tiwari and his wife Trupti Tiwari, who is the First Informant, had taken back the premises. The First Informant intended to start a school in the said premises and hence, she and her husband had commissioned the interior of the said premises.

3. While the interior was being done up by Abhishek Tiwari and his wife, Trupti Tiwari, through contractors, the Applicant's wife and children came to the premises and started quarreling with them on the ground that Abhishek

Tiwari informed the persons coming to the gym that they should not use his premises to enter the said gym. On this ground, there was a verbal altercation between Abhishek Tiwari and the Applicant's wife and children. Thereafter, the Applicant came to the spot and the altercation turned into a physical scuffle between the parties. In the said scuffle, it is alleged that the Applicant beat up Abhishek Tiwari with an iron rod. His wife and children are also stated to have assaulted Abhishek Tiwari. Accordingly, a complaint was made to the police, resulting in registration of the present FIR and the Applicant was arrested on 9th September 2025.

4. The Applicant made an application seeking bail before the Additional Sessions Judge, Thane. However, by order dated 19th November 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

5. Mr. Shailesh Kharat, learned Counsel for the Applicant, points out a video recording made by the Complainant and

submits that the present Applicant is not seen with an iron rod in the said video recording. He further submits that there was no premeditated plan to cause injuries to Abhishek Tiwari. He also submits that it was, in fact, the victim, Abhishek Tiwari, who assaulted the Applicant. He further submits that the First Informant and her husband abused the Applicant's daughter. He also submits that the ingredients of Section 109 of the BNS are not satisfied. In these circumstances, he prays that the Applicant be enlarged on bail.

6. Ms. Megha Bajoria, learned APP, has drawn my attention to the statements of witnesses in the charge-sheet. She submits that the witnesses have clearly stated that the Applicant and his family members brutally assaulted the injured victim and more particularly, the present Applicant assaulted the First Informant's husband with an iron rod. She also points out the Injury Certificate pertaining to the injured, Abhishek Tiwari, which clearly indicates that the injuries are grievous in nature and were caused by hitting him on his head

with an iron rod. She further submits that the scuffle took place only because the Applicant had unauthorizedly carried out construction in the premises of the First Informant and her husband and they had legitimately asked the members of the gym not to enter through their premises. She submits that the maximum prescribed sentence is that of life imprisonment and that the Applicant is arrested only on 9th September 2025, which cannot be termed as long incarceration. She further submits that the charges will be framed before the Trial Court within a short span of time and the trial will commence shortly. She thus resists the Bail Application.

7. I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

8. Admittedly, the statements of witnesses clearly record that the Applicant and his family members collectively assaulted the injured victim, namely Abhishek Tiwari. The injuries caused to Abhishek Tiwari are grievous and serious in

nature. The iron rod and other weapons of assault have been recovered from the spot itself, which is indicated in the Spot Panchanama. The offence is serious and grave. Abhishek Tiwari has been injured by the Applicant by assaulting him on his head with an iron rod, intending to cause injury. In fact, it is also seen that the Applicant has threatened Abhishek's wife i.e. the First Informant and demanded that she hand over her mobile phone on which she was recording the incident and threatened that the assault would continue until and unless the recording was deleted. Thus, there is a *prima facie* apprehension that, if enlarged on bail, the Applicant is likely to intimidate the First Informant and other witnesses. I am also satisfied that since the Applicant is in custody only from September 2025, it cannot be said that he has suffered long incarceration to justify his enlargement of bail.

9. Considering the nature and number of injuries inflicted on the injured victim's body, nature of weapon used and the

intimidation tactics used on the injured victim's wife, I am of the view that this is not a fit case to grant bail.

10. The Bail Application is rejected.

11. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)