

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 686 OF 2026**

Imran Naushad Ahmed ...Applicant
Versus
The State Of Maharashtra ...Respondent

Mr. S. Z. Khatib, *for the Applicant.*
Ms. Anuja S. Gotad, *APP for the State-Respondent.*
PSI – Omprakash Kawde, *Dahisar Police Station, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 20th FEBRUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with 320 of 2025 dated 17th April 2025 registered with Dahisar Police Station for the offences punishable under Sections 109, 126(2), 61(1)(b) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (“BNS”).

2. The facts of the case, in brief, are that the First Informant is the husband of Accused No.1, namely Vimal Gupta. It is his allegation that there was matrimonial discord

between the First Informant and his wife, Vimal Gupta. He has further stated in the complaint that his wife had an extramarital affair with the present Applicant. A petition for divorce by mutual consent is pending before a Court of competent jurisdiction. However, the First Informant has alleged that his wife, Vimal Gupta, had threatened him and told him that she would teach him a lesson. On 17th April 2025, while the First Informant was gone out to the vegetable market, he was accosted by three people, who beat him up with a wooden stick. He sustained grievous injuries and there is a certificate from a private hospital. After taking treatment in the hospital, he made a complaint with the police, pursuant to which the FIR was registered.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Sessions Court, Borivali Division, Dindoshi. However, by order 18th October 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

4. Mr. S. Z. Khatib, learned counsel for the Applicant, submits that there is matrimonial discord between the First Informant and his wife i.e. Accused No.1 and that she had threatened him that she would teach him a lesson. He submits that there is no material on record to connect the present Applicant with the assault on the First Informant by the three unknown persons, who are the main accused in the said criminal case. He further submits that in any manner, the Applicant is not connected with the said offence. He thus prays that the Applicant be enlarged on bail.

5. Ms. Anuja Gotad, learned APP, contests the Bail Application. However, she fairly concedes that there are no antecedents pertaining to the present Applicant. She has drawn my attention to the mobile extraction panchanama, which, according to her, indicates that the present Applicant was in touch with Accused No.1 as well as other assailants who are co-accused. She also points to the CCTV footage panchanama, which shows that the present Applicant was

seen with the two assailants in the Lotus Lodge. She thus submits that it is Accused No.1, wife of the First Informant, who along with the present Applicant, gave a contract to the co-accused i.e. Accused Nos. 3 to 5 to assault the First Informant. She thus submits that the Bail Application be rejected.

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

7. I have perused the documents which Ms. Gotad has brought my attention, including the CCTV footage panchanama as well as the mobile extraction panchanama. Undoubtedly, it appears that the present Applicant was in touch with the three assailants. However, there is no material on record which reveals that these three assailants actually assaulted the First Informant or demonstrates the connection between the three assailants i.e. other accused and the present

Applicant pertaining to a contract given to the co-accused to assault the First Informant.

8. The Applicant is in custody since 18th April 2025 and till date, the charges are not framed. The prosecution intends to examine as many as 25 witnesses. It is not likely that the trial will conclude in the near foreseeable future. Considering that there is no sufficient material on record to *prima facie* demonstrate the complicity of the present Applicant in the offence and also the fact that Accused No.1, namely the wife of the First Informant, who is alleged to have given a contract to the assailants to assault her husband, is on bail, I am inclined to enlarge the present Applicant on bail as well and it is ordered as under:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;

- ii) The Applicant shall attend the Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court.
- iii) If the Applicant holds a passport, he shall deposit the same with the Police Station concerned;
- iv) The Applicant shall not leave India, without permission of the trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vi) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from

time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

vii) The Applicant to co-operate with the conduct of the trial;

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. 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)