

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO. 2 OF 2026**

Raiyan I. Momin ...Applicant  
V/s.  
The State of Maharashtra ...Respondent.

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Adv. Shamshad Ahmad Maqbool Ahmad and Adv. Mohammad Daood Khan and Adv. Mohammad Ghufraan for the Applicant.  
Mr. S.R. Agarkar, APP for the Respondent/State.  
API Jayashri R. Anawane, Bhiwandi Police Station is present.

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**CORAM : N.R. BORKAR, J.**  
**DATE : 05.02.2026.**

**P.C. :**

1. This is an application for anticipatory bail.
  
2. The applicant is apprehending his arrest in Crime No. 1072 of 2025 registered at Bhiwandi City Police Station, Thane City for the offences punishable under Sections 74, 79, 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023.
  
3. The applicant is the brother-in-law of the first informant. There is a dispute between the parties in relation to ancestral house. It is alleged that on the date of incident which took place on 7<sup>th</sup> December 2025, dispute arose between the applicant on one side and first informant and her husband on otherside as the applicant wanted to give upper floor of the said house on rent. It is alleged that during the said dispute the present applicant had abused the first informant and touched her inappropriately.

4. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.

5. Learned counsel for the applicant submits that with a view to grab the ancestral house, a false report came to be lodged against the applicant. It is submitted that there is no need of custodial interrogation and the applicant is ready and willing to cooperate in the investigation.

6. On the other hand, learned APP for the respondent/State submits that the applicant is involved in one more crime of similar nature. It is submitted that considering the nature of crime, the applicant may not be released on anticipatory bail.

7. I have perused the first information report. Admittedly, there is a dispute between the parties in relation to ancestral house. Therefore, *prima facie* the possibility of false implication cannot be ruled out. In that view of the matter, I am inclined to release the applicant on anticipatory bail on certain conditions. In the result, the following order is passed.

### **ORDER**

A) The Application is allowed.

B) In the event of arrest of the applicant in C.R. No. 1072 of 2025 registered at Bhiwandi City Police Station, Thane City for the offences punishable under Sections 74, 79, 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023, he be

released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one surety or two sureties in the like amount.

C) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate in the investigation.

D) Till the conclusion of trial, the applicant shall not enter into the limits of Jaitanpura, Bhiwandi, Dist. Thane.

**[N.R.BORKAR, J.]**