

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 443 OF 2026

Mohammed Badrudeen Khan	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Kamran S. Shaikh a/w Farukh Shaikh & Sahil Shaikh, for the Applicant.
Mr. S. M. Mangaonkar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 17th February 2026

PC:-

1. Heard Mr. Shaikh, learned Counsel appearing for the Applicant and Mr. Mangaonkar, learned APP for the Respondent - State.

2. By the present Application filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* (“**BNSS**”), the Applicant is seeking pre-arrest bail in connection with C.R. No.34 of 2026 registered with Chikhali Police Station, Pimpri Chinchwad, Pune for the offences punishable under Sections 191(3), 191(2), 189(2), 324(4), 352, 351(2), 115(2), 131 and Section 118(1) of the *Bhartiya Nyaya Sanhita, 2023* (“**BNS**”) and Sections 4, 25 and 3 of

the *Arms Act, 1959* as also under Sections 37(1)(c) and 135 of the *Maharashtra Police Act, 1951*.

3. The prosecution case is set out in the order dated 06th February 2026 passed by the learned Additional District and Sessions Judge, Pimpri Chinchwad, Pune in Paragraph No.2, which reads as under :-

“2. The First Informant Report was filed by the informant, namely Amit Ramesh Mohite, on 17-01-2026, alleging that on the previous day at around 9:30 p.m., he noticed that there was a quarrel between the drivers of a truck and a BMW, and that there was a crowd. At that time, the informant parked his vehicle and went near the crowd to see as to what had happened. One person came near him and on the point of pistol, extended threats to him. He also abused and assaulted him with Koyata, kick and first blows on his face and back. During the assault, the Informant lost his gold chain weighing 22 grams and a finger ring weighing 6 grams. He reported the incident to the police and offence was registered against the applicant and others.”

4. It is the submission of Mr. Shaikh, learned Counsel appearing for the Applicant that all offences except Section 118(1) of BNS are bailable offences. He further submits that thereafter Section 310(2) of BNS has been added. He submits that other Co-accused i.e. brother of the Applicant have arrested and they have

been released on regular bail. He submits that the Applicant is not involved in the crime. In any case, he submits that the Applicant will cooperate with the investigation. The Applicant's wife is likely to deliver baby within a few days. To substantiate the said contention he relies on Sonography Report dated 05th January 2026 of Ashirwad Diagnostic Centre, Chinchwad, Pune. He further submits that the Applicant will abide by conditions imposed by this Court.

5. On the other hand, Mr. Mangaonkar, learned APP strongly opposes granting of Anticipatory Bail. He submits that the offence is very serious. He further submitted that the Applicant has one Antecedent being C.R. No.340 of 2022 registered under Sections 326, 323, 503 read with Section 34. He therefore submits that the Anticipatory Bail Application be rejected. Mr. Shaikh, learned Counsel appearing for the Applicant submits that in that case the Applicant has been granted regular bail.

6. Perusal of the record shows that, although, *prima-facie* the Applicant is involved in the crime, however, the injury certificate is not on record. Although, the contention is that the Applicant has

assaulted with sickle (Koyata), there is nothing to indicate that the First Informant has suffered injuries. Even the order dated 06th February 2026 passed by the learned Additional District and Session Judge, Pimpri Chinchwad, Pune in Bail Application 117 of 2026 filed by the Applicant which has been rejected, nothing is mentioned about the injury certificate. The Applicant's wife is pregnant and likely to deliver the baby in few days.

7. Thus, in the facts and circumstances, the case is made out for grant of Anticipatory Bail by imposing stringent conditions. In view thereof, the following order is passed:

ORDER

- (a) In the event of arrest of the Applicant -Mohammed Badrudeen Khan in connection with C.R. No.34 of 2026 registered with Chikhali Police Station, Pimpri Chinchwad, Pune, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount.

- (b) The Applicant shall attend the concerned Police Station on 23rd February 2026 and 24th February 2026, between 11:00 a.m. to 02:00 p.m. and thereafter once in a week i.e. on every Sunday between 11:00 am to 02:00 pm, till filing of the chargesheet and shall cooperate with the investigation. In addition, the Applicant shall attend the concerned Police Station as and when called.
- (c) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall not leave India without prior permission of the Court.

8. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]