

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

**Anticipatory Bail Application No.743 of 2026**

Adeeb Tabrez Khan

Age: 22 years, Occ: Service,

R/a, Dargah Diwan Shah, Saba Market,

Room No.103, 1<sup>st</sup> Floor, Bhiwandi, Thane. ... Applicant

Versus

The State of Maharashtra

Through the Sr Police Inspector,

Bhoiwada Police Station,

Bhiwandi, Thane.

... Respondent

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Mr Mateen Shaikh, a/w Ms Muskan Shaikh and Mr Shoaib Shaikh, for the applicant.

Mr Mayur Sonavane, APP, for the respondent/ State.

PSI Sandesh Kamble, Bhoiwada Police Station, Thane.

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**Coram: R.N. Laddha, J.**

**Date: 17 April 2026.**

**P.C.:**

The applicant, who apprehends arrest in connection with CR No.89 of 2026, registered with Bhoiwada Police Station, Thane, for offences punishable under Sections 117(2), 115(2), 118(2), 352 and 351(1) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, has preferred the present application seeking

pre-arrest bail.

2. It is the case of the prosecution that on 17 February 2026, holding a grudge from a previous quarrel, the applicant, in collusion with the co-accused, verbally abused, issued threats and assaulted the informant and his brother using fist blows and a wooden stick.

3. Mr Mateen Shaikh, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the present crime. It is submitted that the applicant and the informant had amicably settled their dispute in the police station; however, with *mala fide* intentions, the present crime was lodged. There is an unexplained four-day delay in registering the crime. The alleged incident occurred on 17 February 2026, whereas the FIR was lodged on 21 February 2026. According to the learned Counsel, the alleged injury sustained is of a simple nature, and Section 118(2), which was added subsequently, does not *prima facie* apply to the present facts and circumstances. The alleged weapon used in the crime has already been seized, and nothing is to be recovered or discovered from the applicant, rendering his custody unnecessary. Furthermore, it is submitted that the co-accused have already been granted bail by the learned Sessions Court.

The applicant is ready and willing to abide by any conditions this Court deems fit to impose.

4. On the other hand, Mr Mayur Sonawane, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for bail. He submits that the offence is of a grave and serious nature. The allegations against the applicant are specific, and he is involved in the commission of the crime. The learned APP also expresses reservations about granting bail to the applicant, as he may tamper with the evidence or influence witnesses.

5. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records.

6. Upon a careful perusal of the record, it emerges that the alleged scuffle took place on 17 February 2026. Significantly, immediately thereafter, when both the informant and the accused approached the police station, no FIR was registered; instead, they were referred for medical examination. It is further borne out from the General Diary entries that, on the very next day, i.e., 18 February 2026, both the informant and the accused once again visited the police station and made a categorical statement to the effect that the dispute between them had been amicably settled. It is specifically recorded that

both sides unequivocally expressed their intention not to pursue any complaint against each other. However, notwithstanding the aforesaid developments, the present FIR came to be lodged subsequently on 21 February 2026.

7. At this juncture, the absence of any immediate or satisfactory explanation for such a delayed course of action introduces a circumstance which cannot be lightly brushed aside while considering the present application. The delay, when considered alongside the earlier settlement, *prima facie* weakens the spontaneity of the prosecution's account and, therefore, calls for a cautious approach in the matter of insisting upon the custodial detention of the applicant. In addition, the weapon allegedly used in the commission of the offence has already been recovered. The investigation is substantially complete, and nothing is to be recovered or discovered, rendering the applicant's custody unnecessary. Moreover, the co-accused have already been granted bail, and the applicant has no criminal antecedents. Insofar as the apprehensions regarding tampering with evidence or influencing of witnesses are concerned, the same can be adequately safeguarded by the imposition of appropriate conditions.

8. In view of the totality of the circumstances, this Court is

inclined to exercise its discretion in favour of the applicant.  
Hence, the following order:

ORDER

- (i) In the event of the applicant's arrest in CR No.89 of 2026, registered with Bhoiwada Police Station, Thane, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

9. The application stands disposed of accordingly.

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