

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

Anticipatory Bail Application No.918 of 2026

Mohammed Ali Memon,
Age-38 yrs., Occ: Teacher,
R/o. 68, Raza Manzil, 2nd Floor,
Bangalpura, Bhiwandi, Dist: Thane.

... Applicant.

Versus

The State of Maharashtra
(Through Bhoiwada Police Station,
Bhiwandi, Dist. Thane)

... Respondent

Ms Anita Bhaktwani, for the applicant.

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

Sr.PI Ashok Ratnaparkhi, Bhoiwada Police Station, Bhiwandi,
Thane.

Coram: R.N. Laddha, J.

Date: 8 April 2026.

P.C.:

By the present application, the applicant seeks pre-arrest bail in connection with CR No.91 of 2026, registered at Bhoiwada Police Station, Thane, for offences punishable under Sections 119(2), 117(2), 115(2), 126(2), 189(1), 189(2), 190 and 356(2) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that on 23 February 2026, motivated by prior disputes, the applicant and the co-accused formed an unlawful assembly and attacked the informant. In the course of the incident, Firoz is alleged to have slapped the informant, while Kasif allegedly abused him verbally and assaulted him with kicks. The applicant, along with Niyaz and an unidentified individual, is alleged to have assaulted the informant with fist and kick blows. It is further alleged that, during the course of the altercation, an unidentified person attired in a yellow T-shirt and blue jeans removed the informant's mobile phone and cash amounting to Rs.1,500/- from his pocket. As a consequence of the incident, the informant sustained injuries.

3. 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. The FIR is manifestly vexatious in nature, and the applicant was merely present at the scene without any participation in, or instigation of, the alleged assault or altercation. It is further submitted that the applicant had visited the premises solely in connection with his personal affairs and bears no nexus whatsoever with the alleged incident. The applicant has no criminal antecedents, and there is nothing to be recovered or discovered at the

applicant's behest. The learned Counsel further submits that the applicant is willing to extend full cooperation to the investigating agency and shall abide by any conditions that this Court may deem appropriate to impose.

4. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request. He submits that the applicant and the co-accused, in furtherance of their common intention, verbally abused and assaulted the informant. The allegations are of a serious nature. Although the learned APP submits that there is nothing to be recovered or discovered from the applicant, he raises concerns about potential evidence tampering and witness influence if the applicant is granted pre-arrest bail.

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

6. Upon a perusal of the FIR, it *prima facie* appears that the allegations against the applicant are confined to the alleged act of assault upon the informant by means of fist and kick blows, without the use of any weapon. The CCTV footage panchanama, however, does not depict the applicant as having participated in the alleged assault. It merely shows that subsequent to the alleged assault, the applicant, along with the

co-accused, was running behind the informant. The footage further reveals that the informant's mobile phone was handed over to the present applicant by one witness, Abdulla. This version stands at variance with the prosecution's narrative, which asserts that the mobile phone was forcibly taken by the accused and later found with the informant's daughter. Such inconsistency casts doubt upon the prosecution's account of events. It is further an admitted position that no recovery or discovery is pending from the applicant, and the investigation is at an advanced stage of completion. Moreover, the co-accused have already been granted bail. The apprehensions expressed by the prosecution regarding possible tampering with evidence or influencing of witnesses can be addressed by imposing suitable conditions upon the applicant.

7. Having considered 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 connection with CR No.91 of 2026, registered at 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 shall attend the concerned Police Station as and when required.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

8. The application stands disposed of accordingly.

[R.N. Laddha, J.]