

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1188 OF 2026**

Mohammad Abdullah And Anr.

... Applicants

Versus.

The State Of Maharashtra

... Respondent

Mr. Tohid Shaikh, for the Applicants.

Ms. Rajeshree Newton, APP for the Respondent – State.

PSI- Mr. Umesh Koli, Chaturshrungi Police Station, Pune City.

CORAM : ASHWIN D. BHOBE, J.

DATE : 5th May, 2026.

P.C. :

1. Heard, Mr. Tohid Shaikh, learned Advocate for the Applicant, and Ms. Rajeshree Newton, learned APP for the State.
2. By the present Application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS”), the Applicant seeks pre-arrest bail, apprehending arrest in connection with Crime No. 34 of 2026 registered with the Kashigaon Police Station, Thane (“*FIR*”).
3. The main offence in the FIR is under Section 123 of the BNS,

which deals with causing hurt by means of poison, etc., with the intent to commit an offence.

4. The allegations against the Applicant are that the Applicant possessed Gutkha, a banned item in the State of Maharashtra. The question of whether an offence under Section 123 of the BNS can be registered in such cases is pending before the Hon'ble Supreme Court in the case of *Anand Ramdhani Chaurasia vs State of Maharashtra*¹ and other connected matters. Considering the pendency of the question before the Hon'ble Supreme Court, this Court has granted Anticipatory Bail as well as Regular Bail to the Accused charged with the offence under Section 123 of the BNS.

5. Mr. Tohid Shaikh, learned Advocate for the Applicant, states that Accused No. 2 (Mohammad Abdullah Shaikh) in the FIR has been released on bail by this Court in Bail Application No. 809 of 2026 on 26.02.2026 (order at pages 31 to 33 of the paperbook). He submits that the allegations against the Applicant are similar to the allegations against Accused No. 2 (Mohammad Abdullah Shaikh) in the FIR and therefore prays for bail on parity.

¹ 2019 SCC OnLine Bom 1857.

6. Mr. Tohid Shaikh, learned Advocate for the Applicant, relies on the decisions in the case of *Rashid Rukmuddin and Another v/s. The State of Maharashtra*², *Tushar B. Bhamare v/s. The State of Maharashtra*³, *Ahefaz Iqbal Memon alias Menon v/s. The State of Maharashtra*⁴, *Dipak Maharajsing Yadav v/s. The State of Maharashtra*⁵ and *Karan Ramabhai @ Karamshibhai Hamabhai Jograna and Another v/s. The State of Maharashtra*⁶, where in Accused charged with the offence under Section 123 of the BNS were released on Bail.

7. Ms. Rajeshree Newton learned APP for the State, does not dispute that the issue regarding the applicability of 123 of BNS is pending for consideration before the Hon'ble Supreme Court.

8. In view of the same, the present Application is granted on

2 Criminal Bail Application No. 403 of 2023 decided on 6th March 2023.

3 Criminal Bail Application No. 579 of 2025 decided on 26th February 2025.

4 Criminal Bail Application No. 1463 of 2022 decided on 16th January 2023.

5 Criminal Bail Application No. 45 of 2024 decided on 1st February 2024.

6 Criminal Bail Application No. 273 of 2024 decided on 8th March 2023.

the following terms :-

(a) In the event of arrest of the Applicant in Crime No. 34 of 2026 dated 27.01.2026, registered with Kashigaon Police Station, Thane, the Applicant shall be released on bail on furnishing a PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one or two local sureties in the like amount.

(b) Applicant shall report to the Investigation Officer, Kashigaon Police Station, Thane, on the 4th Saturday of every month from 11.00 am to 12.00 pm., commencing from the month of May 2026. In the event the Applicant is required by the Investigating Officer, Kashigaon Police Station, Thane, on any other day, the Applicant shall ensure his presence before the Investigating Officer.

(c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person/s acquainted with the facts of the case to

dissuade such person/s from disclosing the facts to the Court or any police officer.

(d) Applicant shall not tamper with evidence in any manner.

(f) Applicant shall cooperate with the Investigating Officer in the process of investigation of the present Crime.

9. This Anticipatory Bail Application No. 1188 of 2026 is disposed off.

(ASHWIN D. BHOBE, J.)