

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

ANTICIPATORY BAIL APPLICATION NO. 1221 OF 2026

Nasir Hajimiya Pathan

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Sohail Ahmed a/w Mr. Umar Dalvi, for the Applicant.

Ms. Supriya Kak, for the Respondent-State.

CORAM : SANDESH D. PATIL, J.

**DATE : 13th MAY, 2026.
(VACATION COURT)**

P.C. :

1. The present Anticipatory Bail Application is filed in connection with the apprehension expressed by the Applicant for his arrested in F.I.R. No.591 of 2025 dated 16/11/2025 registered with Bazarpeth, Thane City Police Station.

2. Learned Counsel appearing for the Applicant states that the F.I.R. was registered initially under the provisions of Sections 115(2), 117(2), 351(2), 352 read with Section 3(5) of Bharatiya Nyaya

Sanhita, 2023 (**BNS**) and subsequently Section 118(2) of BNS was added. He submitted that there was oral altercation between the parties. He further submits that even as per the case of the prosecution, after the Applicant assaulted the victim he fell into the pit and therefore, the injury was caused. He submits that going by the case of the complainant as it is, the injury was simple in nature and that he has not caused any grievous hurt to the victim. He submits that he is available for investigation and that his arrest is not necessary. He submits that he is ready to co-operate with the Investigating Agency.

3. Learned A.P.P. on the other hand states that, initially the offence was not registered under Section 118(2) of BNS however, subsequently the said provisions were added.

4. I have perused the file which the learned A.P.P. had tendered across the bar. It is evident that the victim was hospitalized initially in the J. J. Hospital, Mumbai, it appears from medical records that surgery was performed. Thereafter, another surgery was performed at

a private hospital. The medical record fortifies the contention of learned A.P.P. It appears that there is a grievous injury which is caused to the victim as a result of which the victim had to undergo surgery. Learned A.P.P. submitted that the victim was operated lastly on 09/05/2026 i.e. this month itself. She further submitted that this is not a case for grant of anticipatory bail.

5. After having heard both the parties, it is clear that the assault which is caused to the victim is grievous in nature. The victim had to be hospitalized initially in the J. J. Hospital, Mumbai and later on in the private hospital. The victim was operated. The medical papers show that the injury is very serious in nature and that although the incident had occurred on 15/11/2025 yet the operation had taken place few days ago i.e. on 09/05/2026. This itself shows the gravity of the injury.

6. Having perused the aforesaid papers and having heard the learned Counsel appearing for both the parties, there is no merit in the

present Application filed by the Applicant. Since the injury is serious in nature. In this premise, I find no merits in the case of the Applicant, hence the Application is rejected.

7. Accordingly, Anticipatory Bail Application 1221 of 2026 is disposed of.

(SANDESH D. PATIL, J.)