

Rohit Ghuge

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1313 OF 2026

Mohamad Salim Khan And Anr
Versus
The State of Maharashtra and Anr.

Mr. Meghasyam Kochrekar a/w Mr. Saurabh Butala and Ms. Manvi Sharma, Advocate for Applicants.

Mr. S. R. Agarkar, APP for Respondent No.1-State.

Mr. Suhas S. Deokar a/w Mr. Tanmay M. Shembavnekar, Advocate for Respondent No. 2.

Mr. Pravin Phadtare, API, Panvel City Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATE : 9th JUNE, 2026.

P.C. :

1. Heard learned counsel for the Applicants, learned APP for Respondent No. 1-state and learned counsel for Respondent No. 2.

2. The Applicants are apprehending arrest in Crime No.243 of 2026, registered with Panvel City Police Station, Taluka Panvel, District Raigad, for offences punishable under Sections 109, 115(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 3 and 25 of the Arms Act, 1959.

3. It is prosecution's case that Applicants assaulted the first informant and her husband and pointed a pistol at the husband of the first informant with intention to kill him.

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4. It is contention of learned counsel for the Applicants that there are no allegations of assault by firing at the husband of first informant, merely pointing a pistol cannot be considered as an offence under Section 307 of IPC, and cannot fall under the term 'attempt to murder'.

5. The first informant has filed affidavit before the Sessions Court stating that complaint was lodged due to misunderstanding and requested to allow the application.

6. Learned APP strongly objected to allow the application on the ground that Applicants used firearms and do not possess the license for it. They pointed a pistol at the first informant's husband with intention to kill him. The Applicants have two antecedents. Their custodial interrogation is required and requested to reject the application.

7. Learned counsel for the Respondent no. 2 submits that complaint was filed due to misunderstanding. No such incident has occurred and requested to allow the application.

8. I have heard all learned counsel. The complaint was filed due to misunderstanding and there are no allegations of firing at husband of first informant. Custodial interrogation of the Applicants is not required. I pass following order.

ORDER

- (i) The Application is allowed and disposed of.

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- (ii) In the event of arrest, the applicants be enlarged on bail in Crime No.243 of 2026 Panvel City Police Station, Taluka Panvel, District Raigad, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (iii) The Applicants shall attend the concerned police station as and when required.
- (iv) The Applicants shall pay Rs.25,000/- each to Tata Cancer Hospital.
- (v) The first informant shall pay 25,000/- to the Tata Cancer Hospital.

(SHIVKUMAR DIGE, J.)