



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO. 348 of 2026

(Mohmmad Soheb Mohammad Shabir Khan Vs.State, thr PSO, PS Kotwali, Nagpur City)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. D.N. Mehta, Advocate for applicant.
Mr. N.R. Rode, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATE: 07.05.2026

Apprehending arrest, the applicant, who is shown as a driver of the 'Burgman' vehicle bearing registration No. MH 49 CN 9252 has approached this Court, in connection with Crime No. 39/2026, dated 17.3.2026, registered with Police Station, Kotwali, Nagpur City, Nagpur, for the offences punishable under Sections 109(1), 3(5), 351(3) and Section 352 of the Bharatiya Nyaya Sanhita, 2023, has approached this Court.

2. In short, it is allged in the FIR lodged at the behest of informant Rahul Pankaj Singh that while driving the vehicle, suddenly applied the brakes of his vehicle due to which the person, who was driving another vehicle (Activa) started abusing and assaulting the informant. At that time, the owner of Burgman vehicle, who is the present applicant, came along with one unknown person and started abusing to informant. It is alleged that so far as present applicant is concerned, he had assaulted the informant by stool.

3. The learned counsel for the applicant has submitted that the role attributed to the present applicant is very specific that he has assaulted by means of stool. According to him, the incident had taken

place in the heat of moment and there was no premeditation, therefore, he be released on anticipatory bail.

4. *Per contra*, the learned APP, at the outset, has submitted that though, in the affidavit dated 4.5.2026, it is mentioned that the applicant had assaulted the informant and his brother with the help of gattu (paver block), stone and stick but the same was inadvertently written. He submitted that the applicant had assaulted to the informant by means of stool. The learned APP has requested for rejection of the application.

5. With the able assistance of the learned counsel for the respective parties, I have perused the case record and the FIR.

6. In the FIR, it is stated that when the informant was driving the vehicle, he suddenly applied the brakes of his vehicle due to which he was initially abused by some unknown person. So far as applicant is concerned, it is alleged that the applicant had assaulted the informant by means of stool, which is already seized. Considering the fact that the assault was not premeditated and altercation took place initially, I am inclined to allow the application. Thus, the following order is passed.

ORDER

i) The Criminal Application is allowed.

ii) In the event of arrest in connection with Crime No. 39/2026, dated 17.3.2026, registered with Police Station, Kotwali, Nagpur City, Nagpur, for the offences punishable under Sections 109(1), 3(5), 351(3) and Section 352 of the Bharatiya Nyaya Sanhita, 2023, the

applicant namely, Mohammad Soheb Mohammad Shabir Khan, be released on bail on furnishing a P.R. bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount.

iii) The applicant shall attend the concerned Police Station from 11th to 13th May, 2026, between 3.00 p.m. to 6.00 p.m. and thereafter, as and when called by the Investigating Agency and shall cooperate with the investigation.

iv) The applicant shall not tamper with the prosecution evidence or threaten the prosecution witnesses. He shall cooperate the Investigating Agency.

v) The applicant shall not leave the India without prior permission of the Court.

(RAJNISH R. VYAS, J.)