



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

CRIMINAL APPLICATION (ABA) NO. 401 OF 2026

MUKHTAR AHMAD S/O NISAR AHMAD SIDDIQUE
VS

THE STATE OF MAHARASHTRA THROUGH PSO, PACHPAOLI POLICE STATION
NAGPUR

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

Court's or Judge's orders

Mr. R. K. Tiwari, counsel for the applicant.
Mr. C.A. Lokhande, APP for the non-applicant/State.

CORAM : NANDESH S. DESHPANDE, J.
DATED : 22.05.2026

1. Heard.
2. This Court had issued notice to the respondent on 19.05.2026, making it returnable today. Today, the learned APP seeks time to file a reply. However, the learned counsel for the applicant prays for ad-interim protection. I have therefore heard the matter.
3. The applicant is apprehending arrest in connection with Crime No. 212/2026 registered with Police Station Pachpaoli, Nagpur, for offences punishable under Sections 109, 118(1), 189(4), 191(3), 115(2), 351(3), and 352 of the Bharatiya Nyaya Sanhita, 2023.
4. As per the contents of the First Information Report, on 03.04.2026, the informant, Shakil Ahmed alias

Nizamuddin Siddique, had a quarrel with co-accused Irshad Ahmed, who is his neighbour. The said co-accused Irshad, along with his three sons, namely Talib, Tarik, and Tahir, and his nephew Kaunen, was transferring gas from a large cylinder to a small cylinder, due to which the odour of gas spread into the informant's house, leading to a dispute between them.

5. It is alleged that Irshad, his three sons, and his nephew, with intent to kill the informant, assaulted him with iron rods and sticks. On hearing the shouts of the informant, his sons Mohd. Ashraf and Mohd. Aasif, along with his cousin brother, and the applicant herein, intervened. There was a scuffle involving sticks and iron rods, in which the informant sustained injuries on both hands, head, and left leg.

6. The First Information Report was lodged on the basis of these allegations, which prompted the applicant along with two others to file an application before the Sessions Court, which came to be rejected on 02.05.2026. Out of the said applicants, applicant No. 3 has chosen to file the present application.

7. I have heard Mr. R. K. Tiwari, learned counsel for the applicant. As stated earlier, the learned APP has sought time to file a reply.

8. Mr. R.K. Tiwari, learned counsel for the applicant, by taking us through the First Information

Report, submits that the only role attributed to the applicant is that he was holding an iron rod and stick with which the informant was allegedly beaten. It is his further submission that there are cross First Information Reports, and that the nephew of the present applicant has also lodged a First Information Report bearing FIR No. 213 of 2026. He further submits that the family members of the applicant acted in self-defence and that, during the scuffle, the complainant's side also sustained injuries while assaulting the applicant and other accused persons. He submits that no offence under Section 109 of the BNS is made out. He also submits that the injured persons were discharged from the hospital within a day, indicating that the injuries were not life-threatening. He has also placed on record a copy of the First Information Report lodged by one Tarik Ahmed, Irshad Ahmed Siddique, who is the nephew of the present applicant, as well as the injury report.

9. I have considered the contentions canvassed by the learned counsel for the applicant as also the learned APP. As can be seen from the First Information Report in question, there are cross First Information Reports, and both sides have sustained injuries. The only role attributed to the applicant is that he was holding an iron rod and a stick. However, the injuries sustained do not indicate that they are fatal or life-threatening. The liberty of the applicant can therefore be protected till the decision of the present application. In that view of the matter, the following order is passed :-

ORDER

- i) In the event of arrest in connection with Crime No. 212/2026 registered with Police Station Pachpaoli, Nagpur, for offences punishable under Sections 109, 118(1), 189(4), 191(3), 115(2), 351(3), and 352 of the Bharatiya Nyaya Sanhita, 2023, the applicant, Mukhtar Ahmad S/o Nisar Ahmad Siddique, be released on ad-interim anticipatory bail on furnishing a P.R. bond of Rs. 1,00,000/- (Rupees One Lakh only) and one solvent surety of like amount, to be furnished before the trial Court.
- ii) The applicant shall not tamper with the prosecution evidence nor influence the witnesses in any manner.
- iii) The applicant cooperate with the non-applicant and attend the Police Station Pachpaoli, Nagpur on every Monday and Friday between 10 to 12 p.m.
- iv) The applicant shall not leave India without prior permission of the Court.

(NANDESH S. DESHPANDE, J.)