IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1134 OF 2025

Rushad Sarosh Tangri ...Applicant

Versus

The State Of Maharashtra ...Respondent

Mr. Ayush Pasbola a/w Ram Deore i/b Pranav G Gole, for the Applicant.
Ms. S. M. Yadav, APP, for the Respondent-State.

Coram: Madhav J. Jamdar, J.
Date: June 15, 2026

JUDGMENT:

1. Heard Mr. Pasbola, learned Counsel appearing for the Applicant and Ms. Yadav, learned APP for the Respondent-State.

2. By the present Criminal Application filed under Section 528 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* ("**BNSS**"), the Applicant is seeking to quash and set aside the show-cause notice dated 5th May 2025 issued by the Respondent in Chapter Case No.7 of 2025 under Section 129(g)(h) of the BNSS, arising out of Security Proceedings No.119 of 2025. The Applicant is further seeking relief of quashing and setting aside the show-cause notice dated 1st October 2025 issued by the Respondent in Court Case No.28 of 2025 under Section 141 of the BNSS, arising out of Security Proceedings No.4 of 2025.

3. It is the main submission of Mr. Pasbola, learned Counsel for the Applicant, that FIR bearing CR No.81 of 2025 was registered against the Applicant for the offences punishable under Section 115(2), 351(2), 352, 64(1) and 64(2)(m) of the *Bharatiya Nyaya Sanhita, 2023* ("**BNS**"), and that a Charge-sheet has been filed. Thereafter, the Applicant received the show-cause notice dated 5th May 2025 and consequently he was made to sign an interim bond. Thereafter, again on 1st October 2025, a further show-cause notice was issued against him under Section 141 of the BNSS in Court Case No.28 of 2025, alleging that the Applicant had violated the conditions of the bond executed by him in Chapter Case No.7 of 2025. Mr. Pasbola, learned Counsel, submits that the Applicant is a student. He submits that CR No.81 of 2025 came to be registered on account of a love affair and consensual relations. In any case, he submits that Section 129 contemplates that security is to be taken from the habitual offenders and is intended to protect the public against hardened and habitual offenders.

4. It is submitted that the Applicant is a victim of harassment meted out by the Original Complainant. It is further submitted that in order to attract the chapter proceedings, the conduct of the person should be such that it is likely to cause public peace or disturb public tranquility. It is submitted that the notice dated 1st October 2025 has, *inter alia*, been issued under Section 129(h) of the BNS, whereas no such provision

exists under Section 129. It is therefore submitted that the Application be allowed.

5. On the other hand, Ms. Yadav, learned APP, for the Respondent-State, supported the action taken by the Respondent. She submitted that, since an FIR has been registered against the Applicant, the action has been taken in accordance with law.

6. For appreciating the rival contentions, it is necessary to set out Section 129 of the BNSS.

> "***129. Security for good behaviour from habitual offenders***. *—When an Executive Magistrate receives information that there is within his local jurisdiction a person* ***who****—*
>
> *(a) is* ***by habit a robber, house-breaker, thief, or forger****; or*
>
> *(b) is* ***by habit a receiver of stolen property knowing the same to have been stolen****; or*
>
> *(c) habitually protects or harbours thieves, or aids in the concealment or disposal of stolen property; or*
>
> *(d)* ***habitually commits, or attempts to commit, or abets the commission of, the offence of kidnapping, abduction, extortion, cheating or mischief, or any offence punishable under Chapter X of the Bharatiya Nyaya Sanhita, 2023****, or under section 178, section 179, section 180 or section 181 of that Sanhita; or*
>
> *(e)* ***habitually commits, or attempts to commit, or abets the commission of, offences, involving a breach of the peace****; or*
>
> *(f) habitually commits, or attempts to commit, or abets the commission of—*
>
> *(i) any offence under one or more of the following Acts,*

namely:—

(a) the Drugs and Cosmetics Act, 1940 (23 of 1940.);

(b) the Foreigners Act, 1946 (31 of 1946);

(c) the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952);

(d) the Essential Commodities Act, 1955 (10 of 1955);

(e) the Protection of Civil Rights Act, 1955 (22 of 1955);

(f) the Customs Act, 1962 (52 of 1962);

(g) the Food Safety and Standards Act, 2006 (34 of 2006); or

(ii) any offence punishable under any other law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs or of corruption; or

(g) is ***so desperate and dangerous as to render his being at large without security hazardous to the community****, such Magistrate may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bail bond, for his good behaviour for such period, not exceeding three years, as the Magistrate thinks fit.*"

7. A perusal of Section 129 clearly shows that the power thereunder is to be exercised where a person is found to be a habitual offender. The show-cause notices dated 5th May 2025 and 1st October 2025 have been issued under Section 129(g)(h) of the BNSS. A bare perusal of Section 129 shows that there is no provision namely Section 129(h). As far as Section 129(g) is concerned, what is contemplated is that a person is so desperate and dangerous as to render his being at large without

security hazardous to the community. The material on record do not show that the Applicant is so desperate and dangerous as to render, his being at large without security hazardous to the community. There is only one offence registered against the Applicant, being CR No.81 of 2025. The allegations therein pertain to sexual harassment and other sexual offences alleged by the Complainant. Apart from the said offence, there is only one NC registered against the Applicant by the same Complainant.

8. In these circumstances, it cannot be said that the Applicant is so desperate and dangerous as to render his being at large without security hazardous to the community.

9. Accordingly, the Criminal Application is allowed in terms of prayer clauses (a) and (b). The said prayer clauses are reproduced herein below for ready reference:

> "*a) This Hon'ble Court be pleased to quash and set aside the show cause notice dated 05.05.2025, passed by the Respondent in Chapter Case No. 07 of 2025 under Section 129(g)(h) of BNSS, 2023, arising out of Security Proceedings No. 119 of 2025.*
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> *b) This Hon'ble Court further be pleased to quash and set aside the show cause notice dated 01.10.2025, passed by the Respondent in Court Case No. 28 of 2025, under section 141 of BNSS, 2023, arising out of Security Proceedings No. 04 of 2025.*"

10. The Criminal Application is accordingly allowed in the above terms.

[Madhav J. Jamdar, J.]