

Chaitanya Jadhav

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

**ANTICIPATORY BAIL APPLICATION NO. 2888 OF 2023**

|                      |               |
|----------------------|---------------|
| Saifali Jamil Mirza  | ...Applicant  |
| <b>Versus</b>        |               |
| State Of Maharashtra | ...Respondent |

Mr. Niranjan P. Shimpi for Applicant.  
Mr. S. H. Yadav, APP for State/Respondent.  
Mr. Ranjit G. Jadhav for Intervenor.  
Mr. D. M. Lokhande, PSI, Yeola City Police Station, Present.

**CORAM:- N. J. JAMADAR, J.**

**DATED:- 20<sup>th</sup> DECEMBER, 2023**

**PC:-**

- 1)** Heard the learned Advocate for the applicant and learned APP for the State.
- 2)** This application is preferred for pre-arrest bail in connection connection with CR. No. 285 of 2023, registered at Yeola City Police Station, for the offences punishable under Sections 386, 364-A, 420, 166, 167, 506 read with Section 34 of Indian Penal Code, 1860 (“the Penal Code”) and Section 3 read with 25 of the Arms Act, 1959.
- 3)** When the application was listed before the Court on 17<sup>th</sup> October, 2023, this Court was persuaded to grant pre-arrest bail observing, *inter alia*, as under:-

*“3. The gravamen of indictment against the applicant is that the first informant and her brother and sisters were abducted by Sachin Patil and his associates and the first informant and his relatives were made to execute the instruments in favour of number of persons, including the applicant.*

*4. Prima facie, a registered instrument is executed in favour of the applicant wherein the executants have acknowledged the receipt of consideration.*

*5. In the same time, this Court has granted interim protection to the Sub Registrar before whom instruments were executed. The allegations seems to be primarily against Sachin Patil and the persons who allegedly abducted the first informant and other executants. Whether the applicant is also privy to the alleged offences warrants investigation. I am, therefore, inclined to protect the liberty of the applicant while directing him to join the investigation.”*

**4)** The learned Counsel for the applicant submits that in terms of the aforesaid order, the applicant has appeared before the Investigating Officer and co-operated with the investigation.

**5)** The learned APP concurs with the aforesaid statement.

**6)** The learned Counsel for the informant submits that though the applicant claims to be a bonafide purchaser for value, there are concomitant circumstances which indicate that the applicant was aware that the property which he purchased was acquired by extortion.

**7)** The learned Counsel for the applicant countered the submissions by pointing out that the applicant had parted with consideration through banking channels.

**8)** Even if the case of the intervenor that the applicant was aware that the property had been obtained by extortion is accepted as it is, the

applicant can not be attributed with the ingredients of the offences punishable under Section 386, 388, 364-A and 420 of the Penal Code.

**9)** Prima facie, it appears that the applicant came in the frame in the capacity of the purchaser of the property allegedly extorted by the co-accused.

**10)** In the aforesaid view of the matter, I am impelled to make the order of interim bail absolute.

**11)** Hence the following Order :

**ORDER**

(i) Order of Interim Bail dated 17<sup>th</sup> October, 2023 is made absolute on the terms and conditions incorporated therein.

(ii) The applicant shall henceforth appear before the Investigating Officer as and when directed.

(iii) In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.

(iv) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

(v) The application stands disposed.

[N. J. JAMADAR, J.]