

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

Anticipatory Bail Application No. 3138 of 2024

Naseema @ Naseembano Shafeequl Haq
Occ. Housewife, Age 49,
Indian Inhabitant, R/at. Room
No.226, Plot No.19/B, Gate No.5,
OCC, Malwani Malad West,
Mumbai – 400 095.

... Applicant

versus

The State of Maharashtra
At the instance of Malwani Police
Station, Mumbai.

... Respondent

Ms Sharin Pathan i/b Mr Rafiq Gori, for the applicant.
Ms Supriya Kak, APP, for the respondent/ State.
PSI Nikalje, Malwani Police Station, Mumbai, is present.

Coram: R.N. Laddha, J.
Date: 19 November 2024

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.1083 of 2024, registered at Malwani Police Station, Mumbai, for offences punishable under Sections 406 and 420, read with 34 of the Indian Penal Code.

2. The prosecution alleges that the applicant, in connivance with the co-accused, induced the informant to pay Rs.2 lakhs as

a deposit for renting a room. After accepting the money, they failed to handover possession and return the accepted amount.

3. Ms Sharin Pathan, the learned Counsel appearing on behalf of the applicant, argues that the applicant has not committed any offence and has been falsely implicated in the case. The First Information Report (FIR) attributes only a limited role to the applicant, identifying her as a broker. The applicant is not a beneficiary of the alleged payment to the main accused, Riyaz Shaikh. She also highlighted that co-accused Misba Shaikh, the wife of Riyaz, was granted anticipatory bail. Furthermore, the applicant has no criminal antecedents and is willing to comply with the conditions imposed by this Court. She further contends that the applicant's custodial interrogation is unnecessary and requests pre-arrest bail.

4. On the contrary, Ms Supriya Kak, the learned Additional Public Prosecutor representing the respondent/ State, submits that the applicant and co-accused Riyaz cheated several individuals using similar schemes. The applicant facilitated transactions by bringing customers to Riyaz and assuring them of smooth dealings. The learned APP emphasises that the applicant's custodial interrogation is necessary for a thorough

investigation. The learned APP further submits that the applicant acted as a witness to a notarised document for the victim she referred to Riyaz.

5. Upon perusing the records, it appears that the applicant introduced the informant to Riyaz, in whose bank account the informant transferred Rs.2 lakhs. There is nothing on record to suggest that the applicant benefited from this transaction. The only role attributed to the applicant is to introduce the informant to the co-accused, Riyaz. At any rate, the custodial interrogation of the applicant does not seem warranted to facilitate the investigation. In these circumstances, this Court is inclined to grant pre-arrest bail to the applicant. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in connection with CR No.1083 of 2024, registered at Malwani Police Station, Mumbai, she shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the

concerned Police Station as and when required.

(iii) The applicant, herself or through any other person, shall not indulge in any activity that may tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)