

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CR. ANTICIPATORY BAIL APPLICATION NO. 2248 OF 2024
WITH
INTERIM APPLICATION NO.3692 OF 2024
IN
CR. ANTICIPATORY BAIL APPLICATION NO. 2248 OF 2024**

Mohammad Sadiq Abdul Majeed Shaikh ...Applicant
Versus
State of Maharashtra
(Kondhwa Police Station) ...Respondent

**WITH
CR. ANTICIPATORY BAIL APPLICATION NO. 2167 OF 2024
WITH
INTERIM APPLICATION NO.3690 OF 2024
IN
CR. ANTICIPATORY BAIL APPLICATION NO. 2167 OF 2024**

Mr. Yasmin Sadiq Shaikh & Anr. ...Applicants
Versus
State of Maharashtra
(Kondhwa Police Station) ...Respondents

**WITH
CR. ANTICIPATORY BAIL APPLICATION NO. 2247 OF 2024
WITH
INTERIM APPLICATION NO.3694 OF 2024
IN
CR. ANTICIPATORY BAIL APPLICATION NO. 2247 OF 2024**

Mr. Ehtesham Sadiq Shaikh and Anr. ...Applicants
Versus
State of Maharashtra
(Kondhwa Police Station) ...Respondent

Mr. Yash Saxena, for the Applicants in ABA/2248/2024.
Ms. Sanskruti Harode i/b. Parinam Law Associates, for the Applicant in

IA/3692/2024, IA/3690/2024 and IA/3694/2024.

Mr. Harshad V. Nimbalkar (Thr. VC), Sr. Advocate i/b. Abhishek Arote for Applicants in ABA/2247/2024.

Mr. Satyam Nimbalkar (Thr. VC) a/w Mr. Harshwardhan Pawar for Applicants in ABA/2167/2024.

Mr. Kiran Shinde, APP for Respondent – State.

Ms. Kalyani V. Padole, API, EOW, Pune City present.

CORAM : ADVAIT M. SETHNA, J.

DATE : 6 OCTOBER 2025

P.C.:

1. The Applicants are before this Court as they apprehend arrest in C.R. No.396 of 2024. FIR is registered by the Kondhwa Police Station, Pune under Sections 406, 420, 323, 506 r/w 34 of the Indian Penal Code.
2. Briefly, the case of the prosecution as stated in the FIR is that the Applicants have induced the Informant into executing Hibbanamas (Gift) in respect of specific immovable properties and also inducing him into parting with substantial amounts of money. This is done by taking undue advantage of the Informant being in a disturbed state of mind due to his matrimonial disputes with his first wife and the children from the said wife. Gradually, the Informant realized with passage of time that the Applicants were further indulging in cheating and defrauding him of his movable and immovable properties. It is in such circumstances that the Informant has lodged the complaint and the FIR is registered.
3. Heard learned counsel for the parties and with their assistance, the

Court has perused the record. These are three anticipatory bail applications where the parties are *ad idem* to state that they can be disposed of by a common order.

4. At the very outset, the attention of the Court is invited to an order dated 27 August 2024. By a detailed order of the said date, this Court for various reasons recorded, more particularly in paragraph 6 of the said order, supported by the findings recorded in paragraph 7 has granted protection to the applicant. Such protection has been continued from time to time and continues until date. Pursuant to such orders passed as observed above, there is significant subsequent development in this proceeding. In this context, Mr. Shinde, learned APP for the State on instructions would submit that 'C' Summary proposal dated 26 July 2025 is initiated *qua* these applicants and placed before the Competent/Appropriate Authorities for their due consideration. Mr. Shinde, fairly states that this would have a bearing on the present proceedings.

5. Ms. Sanskruti Harude, learned counsel for the Informant would vehemently opposed grant of any reliefs in this application. She has the following submissions:-

- (a) According to her, there is a forgery of public records at the behest of the Applicants which was conveyed to the Applicants by the Investigating Agency.
- (b) Investigation has been transferred from the Kondwa Police

Station to the EOW which would itself point finger of suspicion as far as the Applicants are concerned. She would on instructions submit that wife of the Informant has been threatened by the Applicants to exert pressure and prejudice the Informant.

6. Mr. Shinde, learned APP on instructions would categorically deny all such allegations which are completely mis-placed and unwarranted. Mr. Shinde on instructions, in response would urge that investigation was transferred to EOW as the matter would fall within the pecuniary jurisdiction of the EOW.

7. Having heard the submissions as noted above in my *prima facie* view, it appears that the Applicants as stated by the learned APP on instructions have co-operated with the investigation pursuant to the interim orders being passed in the proceedings. This would imply that the Applicants have duly joined the investigation.

8. It is also significant to note that EOW which is now current investigating agency has itself initiated 'C' summary proposal qua these very Applicants on 26 July 2025. It appears that this has been done after about investigating for a year of filing the FIR lodged on 12 April 2024. There is nothing adverse brought on record by the prosecution against the Applicants. Their presence can be duly secured during trial, if so necessary.

9. In such view of the matter, in the absence of aggravating factors

against the Applicant, in the given factual complexion, *prima facie* case is made out by the Applicants for grant of anticipatory bail. In my view, custodial interrogation in the given facts and circumstances more particularly when the Investigating Agency itself has decided to initiate 'C' summary proceedings, would not be warranted.

10. For all the above reasons, in my view, interest of justice would be served by passing the following order:-

ORDER

- (i) Interim order dated 27 August 2024 is confirmed.
- (ii) In the event of arrest of the Applicant in connection with C.R. No.396 of 2024 registered with Kondhwa Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or more sureties in the like amount.
- (iii) The Applicants shall cooperate with the investigation and shall attend the concerned police station on every second and fourth Saturday at 11.30 AM until filing of the 'C' summary and/or charge-sheet.
- (iv) The Applicants shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the

contact details, the same shall be immediately intimated to the concerned police station.

- (v) The Applicants shall obtain order of competent Court before leaving State of Maharashtra.
- (vi) The Applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the police officer.
- (vii) The Applicants shall not tamper with the prosecution evidence and shall not contact or influence the complainant or any witness in any manner whatsoever.

11. Needless to mention that the observations made above are *prima facie* for the purposes of adjudicating this Application.

12. The Anticipatory Bail Applications are **Allowed/Disposed Of** in the above terms.

[ADVAIT M. SETHNA, J.]