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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.6381 OF 2025**

Toufik Mohammad Ibrahim Khan ...Petitioner
Vs.
State of Maharashtra ...Respondent

Mr. Manoj Kumar Tiwari with Sejal Nalawade for the Petitioner.
Ms. Supriya Kak APP for the Respondent-State.
Mr. Babaram Shinde, ACB, Worli, Mumbai present.

CORAM : SHYAM C. CHANDAK,J.

DATE : 5TH DECEMBER, 2025

P.C. :-

- 1) Present Petition impugns the order dated 10th July 2025, passed below Application at Exh.93 in Special Case No.76 of 2006 pending on the file of the learned Special Judge under Prevention of Corruption Act City Civil and Sessions Court, Mumbai.
- 2) Heard learned Counsel for the Petitioner and learned A.P.P. for the Respondent-State.
- 3) The Petitioner is prosecuted in the said case for the offence punishable under Sections 13(1)(d) of the Prevention of Corruption Act, 1988 and under Sections 465, 466, 468, 471, 472, 473, 474, 218 of I.P.C. read with section 34 of I.P.C.
- 4) The learned A.P.P. submits that after the grant of bail, the Applicant absconded and did not attend the trial Court. Ultimately, the

charge-sheet was filed in all against eight accused persons, who were arrested during the investigation. During the pendency of the case, the three accused died, two accused absconded and three accused faced the trial. The Petitioner is one of the absconding accused.

5) The learned Counsel for the Petitioner submits that since the Petitioner was facing financial difficulties, therefore, he went to Saudi Arabia for the purpose of employment and to earn livelihood for his family. Now, the Petitioner has returned and undertakes to face the trial, whenever the case is posted for hearing before the trial Court. He further submits that the Petitioner will not travel abroad until the said case is finally heard. The Petitioner further states that his family comprises of eight members and most of them are dependent on him. The Petitioner is aged 50 years old.

6) Considering the submissions of learned Counsel for the Petitioner and that the Petitioner is not behind bars, one opportunity be granted to the Petitioner subject to furnishing fresh bail bonds and on imposition of the penalty.

7) In the wake of above, the impugned order dated 10th July 2025, passed below Application at Exh.93 in Special Case No.76 of 2006 pending on the file of the learned Special Judge, City Civil and Sessions Court, Mumbai is set aside. The nonailable warrant issued against the Applicant is canceled with immediate effect subject to the Applicant paying the penalty of Rs.15,000/- in the trial Court. The Applicant shall furnish fresh

bail bonds in terms of the order passed earlier.

8) The Petitioner shall not leave India until the said case is finally decided by the trial Court. The Petitioner shall regularly attend before the trial Court. The Petitioner shall mark his attendance in the office of Anti Corruption Bureau, Worli, Mumbai on the 2nd day of every alternate month from 02/01/2026.

9) At this stage, it is stated that proclamation is also issued in this case, however, inadvertently, the Petitioner could not pray for recall of the proclamation order before the trial Court. Considering the bonafide of the Petitioner, the proclamation order is recalled.

10) Petition is disposed of in the aforesaid terms.

(SHYAM C. CHANDAK, J.)