

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1686 OF 2025

Mohammed Imran Haji Nabban Ali .. Applicant

Versus

The State of Maharashtra & Anr. .. Respondents

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- Mr. Chetan Hadollikar a/w Ms. Pooja Dalvi i/by Mr. Ganesh N. Mishra, Advocates for Applicant
- Mr. Balraj B. Kulkarni, APP for Respondents - State
- Ms. Pradnya Sonawane i/by Mr. Bharat Bhatia for Intervener

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 28, 2025

P. C.:

1. Heard Mr. Hadollikar, learned Advocate for Applicant and Mr. Kulkarni, learned APP for Respondents - State.

2. Applicant is arraigned as accused No. 2 in the present crime. There are two other accused persons i.e. accused Nos. 1 and 3 who are the Manager and Accountant of the Company belonging to accused No. 2. Accused No. 1 is enlarged on bail whereas accused No.3 has been granted anticipatory bail by the Court.

3. Mr. Hadollikar would submit that first informant had a transaction rather on-going transaction for purchase of steel and had an effective business relationship over a period of time. He would submit that complaint has been filed initially by the first informant for non-supply of steel under the transaction between first informant and

accused No. 2's Company under Section 420 of IPC. He would persuade me to consider the fact that the total transaction in effect is to the tune of Rs. 4.5 Crore (approx.) and to the extent of Rs. 3.35 Crore transaction has already been fructified. He would submit that after the original complaint was filed, prosecution has thereafter added the provisions of Section 467 and other allied provisions hinting that accused persons have committed forgery and fabrication of documents. Mr. Hadollikar would persuade the Court to consider that this forgery and fabrication of the document alleged is about the Aadhar Card and nothing more and not related with the transaction in question between parties. He would submit that insofar as business of accused No. 2 is concerned, the same was managed by accused Nos. 1 and 3 on day to day basis and at the highest the allegation against Section 467 would not be attributable to accused No. 2 i.e. Applicant before Court. He would submit that Applicant has been arrested on 21.12.2023 and he has been incarcerated since then.

4. In view of the aforesaid *prima facie* facts which would have the flavour of a civil dispute but has been given a criminal colour by first informant. If what Mr. Hadollikar has submitted and delineated above is correct then he has made out a case for grant of bail, subject to hearing the prosecution.

5. Learned APP shall ascertain the veracity of the submissions made by Mr. Hadollikar from the prosecution case and accordingly apprise the Court about the precise role of Applicant to enable Court to consider present Application for grant of bail on the next adjourned date.

6. After the above order was passed, Ms. Sonawane, learned Advocate enters appearance for the first informant. She would submit that first informant is desirous to intervene in the present case to oppose the Bail Application. She would submit that her Intervention Application is ready and she can file the same. Though this Court would generally not oppose intervention, considering the fact in the present case I have allowed her to intervene and file her Application. In that view of the matter Ms. Sonawane is directed to file her Intervention Application and her vakalatnama is directed to be accepted by the Registry at her request within a period of one week from today. Copy of the same shall be served on learned Advocate for Applicant within a period of two weeks thereafter.

7. List the Intervention Application along with present Bail Application on board for hearing on **7th July, 2025**.

[MILIND N. JADHAV, J.]

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