IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4538 OF 2025

Poonam Charandas Khanna ...**Applicant**
Versus
The State of Maharashtra ...**Respondent**

Mr. Pranay Saraf a/w Mr. Aniket Mukadam, *for the Applicant.*
Ms. Manisha R. Tidke, *for the Respondent.*
Mr. Umesh S. Iyer, *for First Informant/Complainant.*
API-Rohit Bhise, *attached to Kherwadi Police Station, Mumbai.*

CORAM DR. NEELA GOKHALE, J.
DATED: 08TH DECEMBER 2025

PC: -

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 34 of 2020 dated 03rd February, 2020 registered with the Kherwadi Police Station, Maharashtra, for the offences punishable under Sections 420, 406 read with 34 of the Indian Penal Code (for short 'IPC').

2. The facts of the case as discerned from the FIR are that the First Informant is a builder. He has several litigations and proceedings pending before various Courts in Mumbai including this Court. His nephew was acquainted with the Applicant, namely, Poonam Khanna. She misrepresented herself to be a lawyer practicing in the Supreme Court and also gave her visiting card to show that she was a Legal Consultant.

3. She lured the First Informant through his nephew to engage her as a lawyer to represent him in the Supreme Court and before the various other Courts in Mumbai including this Court. For the said purpose, she took an amount of Rs. 10 lakhs as a retainer and also demanded an amount of Rs. 50 lakhs as her fees to appear in the Supreme Court for the First Informant. The First Informant alongwith his other associates had meetings with the Applicant and engaged her to represent him and his firm in various litigations.

4. It is also alleged that when the First Informant was facing problems pertaining to supply of electricity to his various projects, the Applicant represented to him that she knew the Minister concerned in the State of Maharashtra and she assured to take up the issue with the Minister himself. Ultimately, it was revealed that the Applicant is neither a lawyer nor did she ever have a law degree.

5. Thus, the Applicant misrepresented herself as lawyer to the First Informant and his nephew, and siphoned money towards her purported fees, FIR was thus registered and the Applicant was arrested in January 2024.

6. Prior to her arrest, the Applicant had sought anticipatory bail from this Court as well as from the Supreme Court. However, her anticipatory bail applications were rejected by this Court as well as by the Supreme Court. She then filed an application seeking bail before the Sessions Court, Mumbai, however, by order dated 19th July, 2024 the said application was rejected and hence she is before this Court for the reliefs as prayed.

7. Mr. Pranay Saraf, learned counsel appearing for the applicant submits that the Applicant is incarcerated since January 2024 and the charge sheet is filed, hence, he submits that no purpose would be served by her continued incarceration. Mr. Saraf also submits that the visiting card which is placed on record with the charge sheet has not been seized from her house nor from her. He also submits that there are two criminal proceedings against the nephew of the First Informant and as a counterblast to those proceedings, he has prevailed upon his uncle i.e. the First Informant, to file the present FIR against the applicant. He thus submits that the applicant be released on bail.

8. Ms. Manisha Tidke, learned APP, at the very outset, submits that the charges are framed and three witnesses are already examined. She further submits on instructions that the prosecution intends to examine only five more witnesses.

She has submitted a list of antecedents in respect of the Applicant. According to Ms. Tidke, on instructions and the record kept by the Investigation Officer, there are as many as nine antecedents against the Applicant and there are three other complaints made against her. All the antecedents pertain to offences of cheating. There are also two criminal proceedings pending against the present Applicant before the Courts in Haryana. Ms. Tidke submits that since the trial is underway and is likely to conclude in the near future and considering the seriousness and gravity of the offence, the Bail Application be rejected.

9. In response to the contention of Mr. Saraf that the complaint against the Applicant was made by the nephew as a counterblast to complaints against him. Mr. Iyer, learned counsel for the Intervenor submits that the complaints against the nephew were dated 15th April, 2019 and alleged counterblast complaint is dated 09th September, 2019. In these circumstances, he submits that it cannot be said that the present FIR is a counterblast to the criminal proceedings initiated against the said nephew. He supports the arguments advanced by Ms. Tidke.

10. Mr. Saraf has placed on record decisions of the Supreme Court and this Court as under:

i. ***Directorate of Enforcement vs. Preeti Chandra***[1]

ii. ***Maulana Mohammed Amir Rashadi vs. State of Uttar Pradesh and anr.***[2]

iii. ***Balwinder Singh vs. State of Punjab and anr.***[3]

iv. ***Nilam Divesh Narodiya vs. State of Maharashtra***[4]

v. ***Mohammad Jamal Nadaf vs. State of Maharashtra***[5]

vi. ***Maulvi Syed Shad Kazmi @ Mohd. Shad vs. The State of Uttar Pradesh***[6]

vii. ***Sangram Sadashiv Suryavanshi vs. The State of Maharashtra***[7]

viii. ***Paras Ram Vishnoi vs. The Director, Central Bureau of Investigation***[8]

1 2023 SCC OnLine SC 930

2 2012 SCC OnLine SC 54

3 SLP (Crl.) No. 8523 of 2024

4 2025 SCC OnLine Bom 2215

5 Bail Application No. 650 of 2023

6 SPL (Crl.) No. 1059 of 2025

7 Criminal Appeal No. 4758 of 2024

8 SLP (Crl.) No. 3610 of 2020

11. I have heard learned counsel for the respective parties, and perused the record with their assistance. I have also considered the decisions cited by Mr. Saraf.

12. The offence is a serious offence. The applicant has misrepresented herself as a legal practitioner to lure the First Informant to part with an amount of Rs. 51 lakhs towards part payment of her alleged professional fees. Admittedly, she is neither an advocate nor does she have a degree of LLB.

13. Considering the antecedents of the Applicant as listed by Ms. Tidke, the Applicant is a habitual offender and has not thought twice before accepting payment for retainers from gullible and vulnerable litigants who are already facing the trauma of legal proceedings pending before various Courts. The legal profession is a noble profession. Litigants repose faith in a lawyer and expect their legal representative to appear and argue their matters before the Courts of law and advise them as to their legal rights. The very act of the Applicant impersonating herself as a lawyer is a taint and blemish on the legal profession and erodes the public faith in the legal profession.

14. The facts in the decisions cited by Mr. Saraf are distinct from the facts in the present matter. Moreover, the observations of various Courts in the decisions are pertaining to bail granted to the accused on the ground of long incarceration.

15. In any case, Ms. Tidke has stated on instruction that the trial has commenced and three witnesses are already examined. According to her instructions, the prosecution intends to examine only five more witnesses. Moreover, no case is made out for long incarceration. The trial is likely to conclude in the near future. In these circumstances, I am not inclined to enlarge the Applicant on bail and the Application is rejected.

16. Since the trial is underway, the Trial Court is requested to expedite the trial and preferably conclude the same within a period of one year from the date on which the present order is placed before it.

(DR. NEELA GOKHALE, J)