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

ANTICIPATORY BAIL APPLICATION NO. 192 OF 2025

Mohammad Ali Asadulla Shaikh	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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- Mr. Anand Upadhyay, Advocate for Applicant.
 - Ms. Mahalakshmi Ganapathy, APP for Respondent – State.
 - API – Mr. Sandeep Warpade, D.N. Nagar Police, Mumbai present.
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CORAM : MILIND N. JADHAV, J.
DATE : JANUARY 22, 2025.

P.C.:

- 1.** Heard Mr. Upadhyay, learned Advocate for Applicant and Ms. Ganapathy, learned APP for Respondent – State.
- 2.** This is an Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Anticipatory Bail in connection with C.R.No.4 of 2025 registered with D.N. Nagar Police Station for the offences punishable under Sections 420 and 406 read with 34 of the Indian Penal Code, 1860 (for short “**IPC**”).
- 3.** Applicant is indicted as Accused No.2 in the present crime. Accused No.1 is the wife of Applicant namely Nazma Mohammad Ali Asadulla Shaikh Shaikh whereas Accused No.3 is a person called Umar Farukh Sayyed Manihar @ Sahil.

4. Prosecution case is that the Complainant was lured into making investment by Accused No.1 in collusion and connivance with Accused No.3 by showing certain gold biscuits / bars. The Complainant before me is not a naive person but is a reporter of a news channel. Ironically Applicant before me is a camera-man in the same news channel. Relation between Applicant and Complainant is clearly evident. They know each other well.

5. According to prosecution case, Complainant was invited by Applicant to his house once and at other times Accused No.1 and Accused No.3 met him outside the house. There is also one name called Aafreen Shaikh which is seen in the record. She is not an accused. Allegation against her in the complaint is that on one occasion when the Complainant visited the house of Applicant Accused No.1 and Aafreen Shaikh were present in the house and they both showed the gold bars to Complainant and induced him to make investments. Aafreen is the daughter of Accused No.1 and Applicant before me.

6. In 2023, Complainant invested an amount of Rs.16,10,000/- in two installments of Rs.8,00,000/- and Rs.8,10,000/- each. When he asked for his returns, he did not receive the returns and this compelled him to file the FIR.

7. Mr. Upadhyay, learned Advocate for Applicant would submit that indictment of Applicant is on the basis of mere allegation that he

is also involved in the crime. He would submit that Applicant has no nexus with the crime or the transaction in question. He would fairly submit that Accused No.1 i.e. his wife and one of her business partner called Umar Maniyar (Accused No.3) are allegedly involved in the crime which is registered. Hence he would submit that Applicant's custodial interrogation is not required and he should be granted Anticipatory Bail.

8. Ms. Ganapathy, learned APP for Respondent – State would vehemently object the Application of the Applicant. She would submit that Applicant being the husband of the principal Accused i.e. Accused No.1 cannot shun his responsibility and claim exclusion of Accused No.1. She would submit that since this is an economic offence, there may be either similarly placed persons who may have also been introduced and lured by Applicant into making similar investments. She would submit that admittedly Applicant, his wife - Accused No.1 and their daughter all are residing in the same house and therefore Applicant cannot feign ignorance about the activities of his own wife.

9. She would submit that there is also possibility of some other angle since Applicant and the Complainant are known to each other and that angle may lead to a possible investment in some property jointly by the accused persons concerned. However she would inform the Court that investigation is not yet complete. It is underway. She

would therefore persuade the Court to defer passing a final order today and direct the Applicant to participate in the investigation so that investigation proceeds in the right direction and an appropriate status report is filed before Court.

10. After perusing the record, I am inclined to agree with the submissions made by Ms. Ganapathy. Needless to state that Applicant shall not be arrested in the interregnum by the prosecution until the next date.

11. Applicant is however directed to participate in the investigation and attend the Investigating Officer as and when called for considering the fact that Applicant is working in a news channel as a camera-man. Investigating Officer shall ensure that Applicant is called for investigation after his duty hours.

12. Applicant is directed by this Court to participate fully in the investigation and make all possible disclosures known to him in the investigation. Let the Investigating Officer present a comprehensive status report of the investigation to the Court on the next adjourned date to enable the Court to pass further orders in the present Anticipatory Bail Application.

13. Stand over to **05th February 2025**.

[MILIND N. JADHAV, J.]

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