



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

ANTICIPATORY BAIL APPLICATION NO.439/2025

ABDULLA HASAN ABOO

..APPLICANT

VS

STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Senior Advocate Aabad Ponda a/w. Adv. Sumit Krishna Kumar Tiwari
for applicant.

Mr. Nitin B. Patil, APP for State.

Adv. Vinay Bhanushali a/w. Adv. Sanmit Vaze, Adv. Pujan Patel, Adv.
Nishant Dwivedi for respondent no.2.

API Ramdas Kadam, Anti Extortion Cell.

CORAM : RAJESH S. PATIL, J.

DATE : APRIL 4, 2025.

P.C. :

1. This application is filed under Section 482 of the Bhartiya
Nagarik Suraksha Sanhita, 2023 for seeking pre-arrest bail in
connection with the First Information Report (FIR) No.9/2025
registered with the Airport Police Station, for the offence punishable
under Sections 318(4), 336(2), 336(3), 338, 240(2), 308(4), 61(2)
and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. In the complaint, the role of the present applicant is specifically
mentioned. It is submitted on behalf of the applicant that there were
in all nine accused persons out of which seven accused persons were

arrested and few of them have been granted regular bail. It is the case of the applicant that there was a transaction between the parties regarding hotel premises. There was earlier a leave and license agreement and subsequently, there was tenancy agreement. As there was a dispute between the parties, the applicant has filed R.A.D. Suit before the Small Causes Court, Mumbai. The said suit is pending for hearing. In the meanwhile, the informant has filed an FIR against the present applicant and the other accused persons on the allegations mentioned in the said FIR. It is further submitted that in the meanwhile, illegally the possession of the suit premises has been taken over by the informant from Mr. Naushad, Mr. Imran and Mr. Riyaz. By the document titled as 'Deed of Assignment', the said persons were put into possession by the present applicant for looking after the business of the hotel. Therefore, as of today, the present applicant needs to be protected. The applicant is a senior citizen, aged 67 years of age.

3. The learned APP appearing for the State and the learned counsel for the respondent no.2 opposed this application. However, the learned counsel appearing for the informant submits that the possession of the suit premises as of today is with the informant. The said possession has been handed over to the informant by

Mr.Naushad, Mr. Imran and Mr. Riyaz. They submit that however, there is a fear that the possession of the hotel would be lost by forceful means without following due process of law. The present applicant by muscle power would again take over the possession of the hotel. Therefore, the anticipatory bail application needs to be rejected.

4. Heard learned Senior Advocate for the applicant, the learned APP for the State and the learned counsel for respondent no.2. I have also gone through the FIR and the documents on record.

5. The fact remains that there was a transaction between the parties as far as hotel is concerned. Initially there was leave and license agreement executed, and subsequently, the document titled as tenancy agreement was entered into. However, as of now there is a dispute raised by the informant regarding the document titled as tenancy agreement. The applicant and his son Abu Bakar have filed declaratory suit in the Court of the Small Causes, Mumbai, against the informant. That suit is pending for evidence and hearing. It is an admitted position by both the parties that the possession of the hotel in the meantime has been received by the informant, according to the applicant, by illegal method without following due process of law.

Since, according to the applicant, the possession was with the applicant and he had by way of deed of assignment handed over the possession to Mr. Naushad, Mr. Imran and Mr. Riyaz. The said persons could not have in law handed over the possession to the informant, as they had taken possession of the hotel from the applicant. Considering the fact that the applicant is a senior citizen, aged 67 years of age, the suit being pending between the parties in the Small Causes Court, Mumbai. Possession of the hotel is with the informant, according to me, the case is made out at this stage that the applicant needs to be protected. Hence, the following order.

ORDER

- (a) **The anticipatory bail application is allowed.**
- (b) In the event of arrest in connection with FIR No.9/2025 registered with the Airport Police Station, the applicant shall be released on bail, on furnishing P.R. bond to the extent of Rs.30,000/- with one or two sureties of the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(d) The applicant shall furnish details of his residential address, contact numbers and email address to the Investigating Officer.

(e) The applicant shall attend the concerned police station and meet the IO on 10/4/2025 and 11/4/2025 between 11.00 a.m. to 1.00 p.m. and thereafter, as and when called for.

(f) The applicant shall also hand over the specimen signature to the IO in order to enable the IO to take steps regarding verification of the signature of the applicant on the other documents.

(g) The applicant shall not enter into the subject hotel premises till the trial is concluded.

6. Needless to say that violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of this anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

7. The anticipatory bail application is disposed of.

(RAJESH S. PATIL, J.)