

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

ANTICIPATORY BAIL APPLICATION NO. 586 OF 2025

Iqbal Hafizi	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Aashish Sharma i/b. Adv. T. Monis, Advocate for the Applicant.

Mr. Ajay S. Patil, APP for the State.

Mr. Vivek Pandey, Advocate for Respondent Nos. 3 and 4.

Izhar Inamul Hak Khan, Respondent no.3 present in the court

Ishreen Khan Pawaskar, Respondent no.4 (Through VC).

Mr. Navnath Shinde, PSI Oshiwara Police Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 28 APRIL 2025

P.C.:

1. The applicant have made this application in anticipation of his arrest in C.R. NO.899/2023 registered with Oshiwara Police Station under Section 406, 420, 120(B) read with Section 34 of the Indian Penal Code and Section 13 (3) of the Maharashtra Ownership Flats Regulation of Promotion of Construction of Sale, Management and Transfer Act, 1963.

2. Mr. Vivek Pandey, the learned advocate for respondent nos. 3 and 4 submits that respondent no.3 is present in the court and respondent

no.4 is appearing through Video conference. He submits that respondent 3 and 4 are only legal heirs of the deceased respondent no.2 (first informant).

3. By an order dated 8 April 2025, the submissions of the parties were recorded. For ease of reference, the order dated 8 April 2025 is reproduced herein below :

“1. The learned Advocate for the applicant submits that a total sum of Rs.1,00,00,000/- is deposited to demonstrate the bona fides of the applicant, without admitting guilt.

2. The learned Advocate for respondent no.2 submits that his client is not willing to settle the matter for Rs.1,00,00,000/-. However, if a sum of Rs.1,25,00,000/- is paid, respondent no.2 is ready to issue a No Objection Certificate for the purpose of the present pre-arrest bail application.

3. The learned Advocate for respondent no.2 further submits that the original complainant has passed away. Therefore, the legal heirs are required to be brought on record.

4. The learned Advocate for the applicant seeks liberty to amend the anticipatory bail application and add the legal heirs of the deceased original complainant as party respondent no.2. Liberty is granted, as prayed for.

5. Amendment to be carried out on or before 17 April 2025. It is made clear that if the amendment is not carried out, the anticipatory bail application will stand dismissed without further reference to this Court.

6. Stand over to 20 April 2025 under the caption “For Urgent Circulation”.

7. Ad-interim relief, if any, granted earlier to continue till the next date of the hearing. “

4. Both the learned advocates, on instructions from their respective clients, submit that the parties have agreed to settle the dispute for a total sum of ₹1 Crore. A sum of ₹32,50,000/- has been deposited by the applicant in the Sessions Court at Dindoshi, and a further sum of ₹27,50,000/- has been deposited by the applicant in this Court. Additionally, a sum of ₹40,44,479/- had already been accepted and

encashed by the deceased informant, who was the father of Respondent Nos. 3 and 4. Both parties have agreed that the amounts deposited in this Court and in the Sessions Court can be withdrawn by Respondent No. 3 (Inamul Haq Barkat Ali Khan).

5. The parties have also agreed that the applicant would be preferring an application for quashing of the FIR. Respondent Nos. 3 and 4 have agreed that they will not oppose the quashing petition and will give their consent for quashing of the FIR, subject to the applicant filing the proposed quashing petition. Respondent No.4, has consted to allow respondent no.3 to withdraw the amounts on her behalf also. She will file her NOC with the department.

6. The present pre-arrest bail application has been filed by the applicant, who is 71 years old. Although this Court is not a forum for settling disputes between contracting parties, considering that the parties have amicably settled their dispute and the respondents have accepted the sum of ₹1 Crore from the applicant, I am of the view that the custodial interrogation of the applicant is not necessary. Therefore, at this stage, the pre-arrest bail application can be allowed.

7. In such a situation, according to me, a case is made out for granting Anticipatory Bail Application on certain conditions :

ORDER

(a) The anticipatory bail application is allowed

(b) In the event of arrest of the Applicant, C.R. NO.899/2023 registered with Oshiwara Police Station under Section 406, 420, 120(B) read with Section 34 of the Indian Penal Code and Section 13 (3) of the Maharashtra Ownership Flats Regulation of Promotion of Construction of Sale, Management and Transfer Act, 1963. , the Applicant shall be released on bail furnishing P.R. bond to the extent of Rs.30,000/- with one or more sureties of the like amount.

(c) The Applicant shall co-operate with the investigation and attend the investigating officer of the concerned police station as and when called.

(d) Subject to Respondent No.4 filing her NOC, in the Registry Respondent No. 3 is permitted to withdraw the amount of ₹27,50,000/- along with accrued interest, if any, deposited in this Court, as well as ₹32,50,000/- along with accrued interest deposited in the Sessions Court at Dindoshi.

(d) The Applicant shall not directly or indirectly make any inducement, threat or promise to victim and to any person acquainted with facts of case so as to dissuade him/her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(e) The Applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) The Applicant and his surety shall provide their respective mobile numbers, e-mail address and documents pertaining to the place of residence.

8. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of 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.

9. In view of the above, the present Anticipatory Bail Application is disposed of.

10. All parties to act on an authenticated copy of this order.

(RAJESH S. PATIL, J.)