



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.744/2025

ANSARI ZAID YASIR AND ANR

...APPLICANTS

VS

THE STATE OF MAHARASHTRA AND ANR

...RESPONDENTS

...

Adv. Sharikh M. Khan for the Applicant.

Adv. Avinash A. Naik, APP for the State.

...

CORAM : RAJESH S. PATIL, J.

DATED : MARCH 18, 2025

P.C.:

1. The present applicants have filed these anticipatory bail application apprehend their arrest in C.R. No.61/2025 for the offences punishable under Section 420, 465, 467, 468, 471 and 448 of the Indian Penal Code.

2. It is the case of the applicants that the mother of the applicant no. 2 was the tenant of the Municipal Corporation for the subject premises. Applicant no. 2's mother died on 14 February 2014. The first informant is claiming to be a tenant of the subject premises which he has been purchased from Ms. Aasma Ilyas Merchant and it has also been said that the said Ms. Aasma Merchant had taken over the rights of the subject premises from the mother of applicant no. 2. The applicants submit that surprisingly, the date mentioned of the applicant

no. 2's mother selling her rights to said Ms. Aasma Merchant is after the death of her mother. Therefore, the applicants submit that fraud has been committed by the first informant and the applicants have filed complaint to that effect on 31 December, 2016. The applicants further submits that the police has not taken any cognizance of the complaint filed by the applicants on 31 December 2026. The applicants seek a liberty to add the first informant as party respondent no.2. They submit that during the pendency of the pre-arrest bail application before the Sessions Court, protection was granted to the applicants.

3. Liberty granted as prayed for. Amendment to be carried out forthwith. If the amendment is not carried out forthwith, the anticipatory bail application will stand rejected without further reference to this Court.

4. APP to serve a copy of the anticipatory bail application upon the newly added respondent no.2 through the investigating officer.

5. Issue notice to newly added respondent no. 2 returnable on **1 April 2025**. Apart from Court notice, advocate for the applicant is permitted to serve the respondent no.2 by advocate's private notice by all permissible modes of service and file affidavit of service to that effect before the next date of the hearing.

6. Stand over to **1 April 2025** under the caption "**for urgent**

circulation.”

7. For the submissions made on behalf of the applicants and the fact that the applicant no. 2 is a doctor by profession and it is claimed that there was miss-carriage of applicant no. 2, on 4 March 2024, no coercive steps be taken against the applicant till the next date of hearing. However, the investigating officer is permitted to go ahead with the investigation.

8. The applicants are permitted to file a compilation of documents before the next date of hearing which would include the copy of Annexure-II and other relevant documents, and the copy of the same will be served upon the learned APP and the newly added respondent no.2.

(RAJESH S. PATIL, J.)