

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1015 OF 2025

Imran Yunus Azmi Shaikh

...Applicant

Versus

State of Maharashtra

...Respondent

Adv. Hasan Sayed a/w. S. Syed i/b. R. A. Shaikh, Advocate for the applicant.

Ms.Pallavi N. Dabholkar, APP for the State.

CORAM : RAJESH S. PATIL, J.

DATED : 24 APRIL 2025

P.C.:

1. Apprehending the arrest in the crime registered against the applicant seeking bail in crime no.160/25 registered with Mankhurd Police Station for the offence punishment under Sections 318 (4), 3(5) of BNS,2023.

2. Accused No.1 is absconding till date. The present applicant who is a chairman of the trust which runs a school has filed the present application. The informant was paid a sum of Rs.15,34,000/- to the accused person in order to secure job in the school run by the present applicant a job for herself and her husband. However, after the entire money of Rs.15,34,000/- was received by the accused, only the informant was given an appointment letter pursuant to which she

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started working in the school. The appointment letter mentioned about she being employed as a temporary employee. Further, permanent job was not given to her neither the job was given to her husband. Thereafter service was discontinued without any intimation. A cheque of the personal account of the present applicant drawn the name of the first informant for a sum of Rs.58,000/- was given to her. The said cheque on presentation was dishonoured.

3. Apart from this the learned APP pointed out that there are six criminal antecedents against the present applicant. Out of which there are certain identical crime of cheating is filed against the present applicant.

4. Considering the fact that the applicant accused person are not ready to give permanent job as per promise made by them to the informant and her husband. Neither they are not ready to refund the amount paid by the first informant. Hence, considering also the fact that there are six antecedent against the present applicant and co-accused no.1 is also absconding till date, for the purpose of interrogation to be completed, interrogation of the applicant is necessary.

5. The Supreme Court in case of *Sumitha Pradeep vs. Arun Kumar C.K. and another*¹ in paragraph 12 has held as under :-

“..... In many anticipatory bail matters, we have

¹ (2022) 17 SCC 391

noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

(Emphasis supplied)

6. A similar view has been taken by the Supreme Court in the case of *the C.B.I. vs. Anil Sharma*², in paragraph 4 which reads as under:-

“4. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders.”

(Emphasis supplied)

2 AIR OnLine 1997 SC 797

7. Taking into consideration allegations made in the FIR, the documents on record and considering the view taken by the Supreme Court in above judgments, according to me, no case is made out to grant protection to the present applicant. **The anticipatory bail application stands rejected and disposed of accordingly.**

(RAJESH S. PATIL, J.)