

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

ANTICIPATORY BAIL APPLICATION NO.2064 OF 2025

Gulam Ali Nadir Baaj Khan	... Applicant
V/s.	
State of Maharashtra	... Respondent

**WITH
INTERIM APPLICATION NO.3361 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO.2064 OF 2025**

Mr. Abdul Wahab Shaikh a/w Aditya R. Parmar a/w Zohaib Qureshi a/w M. Shaikh for the Applicant.

Ms. R. D. Humane, APP for the Respondent-State.

None for the Intervenor.

API Devidas Dhole, Manpada Police Station is present.

CORAM : N.R. BORKAR, J.
DATE : 10TH OCTOBER 2025

PC. :

1. This is an Application for anticipatory bail.
2. The Applicant is apprehending his arrest in Crime No.121 of 2025 registered with Manpada Police Station for the offences punishable under Sections 406 and 420 of the IPC.
3. It is the case of the prosecution that the first informant had availed a loan of Rs.1,50,000/- from the present Applicant. Against the said loan, the first informant had mortgaged his car and even handed over the possession of the said car to the present Applicant. It is alleged that the

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said car met with an accident and the first informant was aware that the amount towards the repair charges were disbursed by the insurance company to the present Applicant. However, the Applicant told the first informant that he has spent Rs.1,87,000/- on the repairs of the said car. It is alleged that the present Applicant was demanding the payment of the said amount from the first informant. It is alleged that although the first informant repaid the entire loan amount, the Applicant deliberately refused to hand over the possession of the said car to the first informant. Consequently, the present crime was registered.

4. I have heard Learned Counsel for the Applicant and Learned APP for the Respondent-State.

5. Learned Counsel for the Applicant submits that there is a delay of six years in lodging the FIR. It is submitted that dispute, if any, between the parties is of civil in nature. It is submitted that there is no need of custodial interrogation.

6. On the other hand, Learned APP for the Respondent-State submits that the Applicant had deceived the first informant. It is submitted that the Applicant had refused to deliver the possession of the car though the first informant had repaid the entire loan amount. It is submitted that custodial interrogation of the Applicant is necessary to recover the car in question.

7. I have perused the FIR. There is a delay of six years in lodging the FIR. *Prima facie* the dispute between the parties appears to be of civil in

nature. In that view of the matter, I am inclined to release the Applicant on anticipatory bail. Hence, the following order:

ORDER

- i. The Anticipatory Bail Application is allowed.
 - ii. In the event of the arrest of the Applicant in Crime No.121 of 2025 registered with Manpada Police Station for the offences punishable under Sections 406 and 420 of the IPC, he shall be released on bail on furnishing a PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
8. The Interim Application also stand disposed of.

(N.R. BORKAR, J.)