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

## Anticipatory Bail Application No.2189 of 2025

Almas Sadiq Shaikh
Adult, Indian Female,
Age: 34 years,
Occ: Housewife,
Residing at Room No.06,
Chawl No.10, Nehru Nagar,
Sant Dyaneshwar Nagar,
Bandra (E), Mumbai 400 051 … Applicant

versus

The State of Maharashtra
through The Senior Inspector of Police
(Wadala Railway Police Station) … Respondent

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Ms Nazneen Khatri, a/w. Mr Mohamed Adil Khatri, for the applicant.
Mr Arfan Sait, APP, for the respondent/ State.
Senior PI Arshuddin Shaikh, Wadala Railway Police Station, Mumbai, is present.

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**Coram: R.N. Laddha, J.**
**Date: 6 August 2025.**

**P.C.:**

By this application, the applicant seeks pre-arrest bail in connection with CR No.210 of 2025, registered at Wadala Railway Police Station, Mumbai, for offences punishable under Sections 108 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The complainant, father of the deceased, alleges in the First Information Report (FIR) that his elder son, Rahul, was called to Mumbai by the applicant and the co-accused under the pretext of providing him work. Rahul had previously borrowed money from them but had repaid double the amount in cash. Despite this, they continued to harass him and demand more money. On 18 June 2025, Rahul sent three video messages to his brother Shubham, naming the applicant and the co-accused, and stating that their harassment was driving him to suicide. Subsequently, at about 09:24 hours, he ended his life by jumping in front of a local train between Tilak Nagar and Chembur railway stations.

3. The learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated. He contends that the entire amount collected by the deceased, Rahul, from original accused No.1, Mohd Adil, under the guise of investment, was appropriated by the deceased and handed over to his own family members for their personal enjoyment. The applicant is in possession of the photographic and video evidence depicting the family members of the deceased lying on piles of currency and laughing. The deceased had, on multiple occasions, disclosed to the applicant and the co-accused that his family had exploited him and

amassed substantial wealth under the pretext of investment schemes. The funds from the bank account of original accused No.1 were transferred directly into the bank accounts of the deceased's family members. The applicant's case is that accused No.1 had expressly informed the deceased that, in the event Rahul and his family failed to return the said amount, legal proceedings for cheating would be initiated against all of them. Furthermore, the applicant's brother had invested Rs.29,00,000/- with the deceased, which the deceased failed to return, even in part. The learned Counsel further argues that the deceased had projected himself as a stock market trader and induced the accused persons to invest substantial sums. Initially, the deceased disbursed returns via bank transfers; however, after some time, he ceased making such payments and offered various excuses. On certain occasions, when pressed for repayment, the deceased invited the accused persons to his relatives' residence, assuring them that his relatives would stand as guarantors for the repayment. It is the applicant's specific case that the complainant and his wife, having enjoyed the proceeds amassed by the deceased, are the actual beneficiaries and the real culprits in the alleged offence. The parents of the deceased received funds in their respective bank accounts from the accused persons. The learned Counsel also submits that the applicant is willing to cooperate with the investigation and ready to comply with any conditions this Court imposes.

4. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State vehemently opposes the applicant's request for pre-arrest bail, contending that the offence is grave and serious, encompassing extortion, criminal intimidation, and abetment of suicide. He submits that the ongoing investigation has revealed material indicating that the applicant is not a mere peripheral participant, but the key conspirator and ultimate beneficiary of the extorted proceeds.

5. The learned APP further submits that, in his video messages, the deceased specifically stated that, owing to the conduct of the applicant and the co-accused, he was left with no alternative but to end his life. The applicant's acts had a direct and proximate nexus to the deceased's decision to commit suicide. The investigation is in progress, and there is an apprehension that, if granted pre-arrest bail, the applicant may tamper with evidence or exert undue influence upon witnesses.

6. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records.

7. It is a settled position in law that granting pre-arrest bail is

an extraordinary power. While regular bail is generally considered the norm, the same principle does not apply to anticipatory bail. Considering each case's specific circumstances, the Court must exercise careful and prudent discretion when deciding whether to grant pre-arrest bail. There is no straitjacket formula. Caution is necessary, as granting protection in serious cases could hinder investigation or lead to a miscarriage of justice by allowing tampering with evidence. These aspects are highlighted in *Srikant Upadhyay Vs State of Bihar, 2024 SCC OnLine SC 282.*

8. In the present case, the prosecution contends that the deceased, Rahul, was driven to an extreme mental and emotional state due to persistent and deliberate acts of criminal intimidation, extortion, and harassment allegedly perpetrated by the applicant in connivance with the co-accused. These acts, coupled with sustained mental trauma, are alleged to have cumulatively compelled the deceased to commit suicide by jumping in front of a local train. The applicant has been expressly named in the FIR, thereby attracting a strong *prima facie* presumption of involvement. A perusal of the case record, particularly the video seizure panchanama dated 22 June 2025, *prima facie* reveals the participation of the applicant in acts of extortion and intimidation. The language and tenor of the

deceased in the said video leave no doubt that he was under severe duress, fear, and psychological pressure immediately before the incident.

9. Further, in the present application, the applicant has herself admitted to certain monetary transactions with the deceased. This admission, when read in conjunction with the material on record, fortifies the prosecution's case regarding the existence of a financial trail and supplies a cogent motive. The said financial dealings, in the context of the surrounding circumstances, are consistent with the prosecution's allegation of a nexus between the applicant's conduct and the deceased's act of suicide. The allegations in the FIR are corroborated by statements of material witnesses recorded thus far. *Prima facie,* there is adequate incriminating material to connect the applicant with the commission of the present crime.

10. Moreover, the investigation is at a nascent and crucial stage. Custodial interrogation of the applicant is necessary to trace and analyse the complete financial trail, identify and secure electronic and documentary evidence, and recover relevant material. The likelihood of the applicant tampering with evidence or exerting undue influence over witnesses cannot be ruled out.

11. It is settled law that anticipatory bail is an extraordinary discretionary relief, to be granted in exceptional circumstances, and is not a general rule like regular bail. In the present case, the gravity of the allegations, the applicant's admitted financial dealings with the deceased, the direct video evidence, and the likelihood of interference with the course of justice all militate against the grant of pre-arrest bail.

12. Having regard to the totality of circumstances, and considering the serious and grave nature of the offence, this Court finds no justification to exercise its discretion in favour of the applicant. Accordingly, the application for anticipatory bail stands rejected.

**(R.N. Laddha, J.)**