IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.2409 of 2025

Afifa Shoaib Attar @ Iram.
Aged : 30 yrs, Indian Inhabitant,
R/at C/o Shoaib Moinuddin Attar,
Sr No.24, Masjid Mohalla, Bopodi,
Nr Jama Misjid, Pune city,
Pune-411 020. … Applicant.

Vs.

The State of Maharashtra
Through Public Prosecutor,
High Court (A.S.), Bombay at
the instance of Kondwa Police Station,
CR No.987/2023. … Respondent.

Ms Anima Mishra a/w Mr Anuj Singh, Ritu Singh, Shivani Dixit and Minaz i/by Hulyalkar & Associates, for the applicant.
Mr BB Kulkarni, APP for the respondent / State.

Coram : R.N.Laddha, J.
Date : 4 September 2025.

P.C. :

By this application, the applicant seeks pre-arrest bail in connection with CR No.987 of 2023, registered at Kondwa Police Station, Pune City, for offences punishable under Sections 471, 468, 467, 420, and 406 read with

Section 34 of the Indian Penal Code.

2. The prosecution's case, in brief, is as follows: In the year 2018, the complainant was approached by accused persons Khalid Moinuddin Atar, Shoaib Moinuddin Atar, Abdul Hussain Hasan Ali Naimabadi, Majid Usman Atar, and Afifa Shoaib Atar, who introduced themselves as builders and partners operating under the names Mash Realtors, Fashion Joy Disnies, Honey Enterprises, and Maple Enterprises. They informed the complainant that they were developing a residential project known as Khadija Avenue Phase I on land bearing S.No. 48, Part No. 2/1, Mithanagar, G.No. 9, Chetna Garden, Kondhwa Kh., Pune, and that they also owned two adjoining plots for further development. They further assured the complainant that the project was duly submitted to the Pune Municipal Corporation (PMC) and that all statutory approvals would soon be obtained.

3. The accused induced the complainant to bring prospective purchasers, promising him a commission of Rs. 50,000/per flat. Believing these representations, the complainant introduced 13 customers who collectively

booked 15 flats in Khadija Avenue Phase I, paying a total of about Rs. 1.85 crore by cash and cheque. The accused issued receipts to the purchasers.

4. Subsequently, when the purchasers and the complainant demanded documents, the accused provided copies of sale deeds, Gunthewari certificates, maps, challans, and other purported PMC approvals. Upon scrutiny, it was discovered that the accused had fabricated and forged documents, including a false regularisation certificate. It was also revealed that the land in question had only been purchased in 2019, contrary to the representations made earlier.

5. On confrontation, the purchasers demanded cancellation of their bookings and refund of their money. The accused refused to make cash repayment but instead deposited Rs. 56 lakh into the accounts of the complainant and his wife between 2021–2022, from their firm accounts and personal accounts. At that stage, the accused represented that their adjoining project, Silver Heights, was a fully legal and sanctioned project with better amenities. To gain the confidence of the complainant and customers, they

executed a power of attorney and possession agreement in 2022 in respect of 11 flats and 1 shop, valued at approximately Rs. 1.20 crore, promising that the remaining balance and cost of incomplete works would be settled later. The complainant spent Rs. 11.50 lakh from his own pocket to complete unfinished construction work in order to deliver possession to buyers and partly settle claims.

6. However, when attempts were made to execute sale deeds, it was found that the documents of Silver Heights also contained forged and fabricated certificates purportedly issued by PMC, rendering the project illegal.

7. Further investigation revealed that the accused had similarly duped several purchasers: Thus, between August 2019 and December 2022, the accused persons, acting in concert, dishonestly misrepresented their projects Khadija Avenue Phase I and Silver Heights as legally sanctioned by PMC, fabricated and used forged documents, induced the complainant and numerous customers to part with over Rs. 1.85 crore, and thereafter failed to deliver lawful possession or execute valid sale deeds.

8. By these acts, the accused persons committed offences punishable under the Indian Penal Code for cheating, criminal conspiracy, criminal breach of trust, and forgery of valuable documents, thereby causing wrongful loss to the complainant and innocent purchasers.

9. The learned Counsel for the applicant submits that the applicant is innocent, has not committed any offence, and has been falsely implicated out of malice. Even assuming the prosecution's case as stated in the FIR, no *prima facie* case is disclosed against the applicant. The applicant neither induced the complainant nor received any money; all alleged transactions were conducted by the co-accused through their business entities. The applicant's name is included solely due to familial association. No funds were credited to the applicant's account, and the alleged acts date back to 2018. The matter essentially pertains to civil disputes in real estate transactions, with fraud allegations subject to documentary proof. The applicant has cooperated and has not evaded investigation.

10. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State contends that

the allegations involve serious monetary fraud through forged property documents relating to non-existent properties. The FIR records inducement, deception, partial-refunds, and further offers of fictitious properties. Such acts undermine public faith in property dealings and have grave implications. Though charge-sheeted against the co-accused, investigation against the applicant is still at a nascent stage. Custodial interrogation is sought to determine the *modus operandi,* trace the money trail, and identify collaborators in preparation of forged documents with the applicant.

11. This Court has carefully considered the rival submissions advanced by both parties and has perused the material available on record including the FIR, case diary, and investigation papers.

12. The applicant seeks protection of pre-arrest bail on the ground of false implication, asserting that she has neither induced the complainant nor participated in any financial transaction connected with the alleged offence. It is contended that her name has been included solely due to familial association with the co-accused, who is alleged to have orchestrated the impugned real estate scheme. The

applicant further submits that she has not handled any funds, and no monetary consideration has been credited to her account. The transactions in question are stated to have occurred in 2018, and the applicant claims to have cooperated with the investigation thus far. The FIR and supporting material *prima facie* disclose a well-orchestrated scheme involving inducement, deception, and the use of forged property documents to extract substantial sums from multiple individuals. The complainant was allegedly lured through partial refunds and reassurances, followed by offers of another fictitious property. The documents relied upon were allegedly fabricated to misrepresent ownership and availability of the property in question.

13. The argument that the applicant did not directly receive funds or sign documents cannot be determinative at this stage. The investigation is at a nascent stage with respect to the applicant, and the prosecution has specifically sought custodial interrogation to trace the money trail, uncover the *modus operandi,* and identify the persons involved in the preparation and circulation of forged documents. The applicant's familial and business proximity to the co-accused, coupled with her alleged role in

facilitating or endorsing the transactions, *prima facie* shows the involvement of the applicant in the commission of the offence.

14. The contention that the dispute is civil in nature is also not tenable in light of the specific allegations of criminal intent, inducement, and forgery. The presence of documentary evidence does not *ipso facto* render the dispute civil, especially when the documents themselves are alleged to be forged and used to perpetrate fraud.

15. It is well-settled that anticipatory bail is not to be granted as a matter of routine, particularly in cases involving economic offences, forgery, and breach of public trust. The Supreme Court has consistently held that economic offences constitute a class apart and require a different approach in matters of bail, given their impact on society and the need for effective investigation.

16. In view of the foregoing, this Court is of the considered opinion that custodial interrogation of the applicant is necessary and justified. Granting anticipatory bail at this stage would impede the ongoing investigation

and may compromise efforts to trace the origin and flow of funds, as well as the network involved in document fabrication. Accordingly, the applicant's present anticipatory bail application stands rejected.

[R. N. Laddha, J.]