

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

ANTICIPATORY BAIL APPLICATION NO. 3077 OF 2025

Arifullah Sheik Muqthiyar Sheikh

...Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Sartaj Shaikh, Advocate for the Applicant.
Mr. R. M. Pethe, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 11.11.2025.

P.C. :

1. This is an application for Anticipatory Bail.
2. The applicant is apprehending his arrest in Crime No. 69 of 2025 registered at Kanjur Marg Police Station, for the offences punishable under Sections 420, 465, 468 & 471 of the Indian Penal Code.
3. The allegations against the applicant are of availing a loan of Rs.1,23,34,925/- from ICICI Bank for purchasing Flat Nos. 202 & 203 on the second floor in Bhawani Plaza, Datar Colony, Bhandup (East), Mumbai on the basis of false documents.
4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

5. The learned counsel for the applicant submits that the applicant is the victim of the builder, i.e., co-accused Vilas Chaudhary and was not aware that the flats were already sold or allotted under redevelopment to somebody else. It is submitted that prior to availing the loan, the applicant had paid the amount of Rs.42,50,000/- to the co-accused Vilas Chaudhari. It is further submitted that the loan amount of Rs. 1,23,34,925/- was directly deposited in the account of co-accused Vilas Chaudhari. It is submitted that the applicant had paid 23 EMIs amounting to Rs.36,18,975/- against the said loan. The learned counsel for the applicant further submits that at the relevant time, the applicant was working in Dubai.

6. On the other hand, the learned APP for the respondent-State submits that the amount of Rs.10,00,000/- was transferred to the account of the present applicant after the loan amount was deposited in the account of builder co-accused Vilas Chaudhari. It is submitted that the said fact shows the involvement of the applicant in the crime in question. It is submitted that considering the nature of crime, the applicant may not be released on anticipatory bail.

7. I have perused the documents annexed to the present application. It appears from the record that before availing the loan, the applicant had paid the amount of Rs.42,50,000/- to the co-accused Vilas Chaudhari. Admittedly, the loan amount of Rs.1,23,34,925/- was deposited in the bank account of the co-accused Vilas Chaudhari. *Prima-facie*, the applicant appears to be

victim of the builder. In that view of the matter, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed :

ORDER

- a) The Application is allowed.
- b) In the event of arrest of the applicant in connection with Crime No. 69 of 2025 registered at Kanjur Marg Police Station, for the offences punishable under Sections 420, 465, 468 & 471 of the Indian Penal Code, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

[N.R.BORKAR, J.]