

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3177 OF 2025

Munir Abdul Shaikh	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. V.V. Dushing a/w Mr. Ashraf Kazi, Mr. Anvay Pawar, Mr. Sangram Jadhav i/by Mr. Swanand Govindwar, Advocate for Applicant.

Ms. R.V. Newton, APP for the State.

PSI, Ms. Pooja Patil, Kalepadal, Police Station, Pune City present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 19th November 2025

P.C.:

1. Heard Mr. Dushing, learned Counsel appearing for the Applicant and Ms. Newton, learned APP for the State.

2. By this application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), the Applicant is seeking pre-arrest bail in connection with C.R. No.400 of 2025 registered with Kalepadal Police Station, Pune City, for the offences punishable under Sections 126(2), 189(2), 190, 191(2), 308(2), 308(3), 308(4), 336(3), 338, 340(2), 351(3), 352, 61(2) of the Bharatiya Nyaya Sanhita, 2023 ("BNS").

3. The case of the prosecution is set out in paragraphs-2 to 5 of the Order dated 17th November 2025 passed by the learned Additional Sessions Judge, Pune in Criminal Bail Application No. 7103 of 2025. The same paragraphs are reproduced hereinbelow :

“2. Afore crime emerged from the report dated 08/10/2025 lodged by informant Jahur Sayyad, alleging therein that in the year 1998, he has purchased the area admeasuring 11 R out of Hissa No.14/6 in Survey No.74 in the name of his wife by way of notarised agreement from one Sundar Jodhpurkar for the consideration of Rs.6,50,000/-. However, said Jodhpurkar did not executed Sale Deed. So, his wife preferred Special Civil Suit No.28/2006 for specific performance and injunction against said Jodhpurkar. The said Special Civil Suit was decreed, wherein the Court has directed to said Jodhpurkar for refund of the amount along with interest to the informant's wife. Later on, said Jodhpurkar with the intervention of third party, has arrived to settle the matter. Accordingly, a notarised agreement dated 16/12/2010 came to be has executed, wherein the possession of the land was handed over to him. His wife executed power of attorney in his favour to manage the property. It is alleged that on 11/10/2012, said Jodhpurkar executed development agreement in favour of informant's wife, wherein the adequate consideration was paid by them to said Jodhpurkar and accordingly, the said documents were duly registered at the office of Sub- Registrar, Haveli No.3. Later on, accused Sadik Kapoor being power of attorney of original owner Jodhpurkar filed Civil Suit for cancellation of Sale Deed against the

informant. In one of the proceeding, the Hon'ble High Court has granted stay and other suit is sub-judice.

3. It is further alleged that the applicant and co-accused on the strength of fake documents, has entered into the land of the informant and removed the wire fencing. When the informant reasoned, he was threatened of dire consequences. Applicants and co-accused continued threatening the informant and were demanding the property documents. Due to physical assault, he has undergone medical treatment at Sassoon Hospital and thereafter, he filed complaint against them at Wanwadi Police Station.

4. It is alleged that in December 2018, the applicant and co-accused illegally occupied their property and started unauthorised construction. They sold some shops situated at front portion to the third party and collected substantial amount. It is alleged that the informant was restrained from entering his own property.

5. It is alleged that in the year 2021, accused Ajaj Pathan and Javed Shaikh called the informant at accused Munir's office, wherein co-accused Javed Shaikh, Ajaj Pathan, Mehboob Shaikh and Munir threatened him to leave the property or pay them Rs.20,00,000/- to relinquish their claim and pressurised him to vacate the property unless he paid the said amount. It is further alleged that in July 2024, the applicant and co-accused called him at the office of Munna Jahagirdar for meeting, wherein he was threatened not to carry out any construction on upper floor of the property and not to rent or sell the ground floor shops. They stated that the shop would be managed and rented by co-accused Mehboob Shaikh at fixed rate and threatened the informant of dire

consequences and further demanded Rs.20,00,000/- for allowing him to retain the possession over the property. It is alleged that the accused has prepared false documents and on the basis of fake documents, encroached over his property by removing fencing and grabbed his property. Thereafter, for permitting his possession over the said property, they are extorting the amount of Rs.20,00,000/- from the informant. On the afore allegations, above crime is registered.”

4. It is the submission of Mr. Dushing, learned Counsel for the Applicant that except the allegation concerning the year 2021, there is nothing against the present Applicant in the F.I.R., which has been lodged on 8th October 2025 i.e. after more than 4 years. He submits that the Applicant will co-operate with the investigation. He further submits that although there is one antecedent being C.R. No.182 of 2025, registered under Section 329(3) of B.N.S., the same is false case and quashing Petition has been filed by the Applicant.

5. On the other hand, Ms. Newton, learned APP submits that the offence is very serious. She points out paragraph No.12 of the Order dated 17th November 2025 passed by the learned Additional Sessions Judge, Pune and submits that as rightly observed by the learned Sessions Judge, that there is rise in land mafia cases in

Pune and the Applicant is the member of Tipu Pathan gang and involved in illegal activities. Ms. Newton, learned APP submits that as far as the main Accused is concerned, he has been prosecuted even in the offence where provisions of MCOC are invoked.

6. Perusal of record shows that except the allegation concerning the year 2021, there is no allegation in the F.I.R. against the present Applicant. The F.I.R. has been lodged on 8th October 2025. Perusal of record further shows that the property has been purchased by the wife of the First Informant, however, as the property was of Inami land, sale-deed could not be executed. In a Suit, which has been filed in the year 2006 seeking specific performance by the wife of the First Informant, the learned Trial Court has directed payment of refund of entire amount paid by the First Informant's wife alongwith the interest. Thereafter again on 10th October 2012, there is Development Agreement along with Power of Attorney executed with the wife of the First Informant. In the meanwhile, the owners have also executed Power of Attorney in favour of accused No. 3 and several civil suits have been filed by the Accused No.3, which have been stayed by this Court by the Order dated 5th July 2025 passed in Writ Petition No.7179 of 2025.

In the meanwhile, the Accused threatened the First Informant to leave the said property.

7. Although the allegations against the other Accused are very serious, where the main Accused Tipu Pathan and co-Accused are involved in very serious crime, however, as far as the present Applicant is concerned, the allegation against him is of the year 2021. Thereafter the Applicant has no role as per the F.I.R. Although, there is one antecedent, the same is under Section 329(3) of B.N.S., which is offence of encroachment and punishable with imprisonment of three months and the Applicant has filed Writ Petition seeking quashing of the said F.I.R.

8. Accordingly, by imposing stringent conditions, the Applicant can be granted pre-arrest bail. Hence, following Order is passed:

ORDER

- (i) In the event of arrest, the Applicant - Munir Abdul Shaikh be released on bail in C.R. No.400 of 2025 registered with Kalepadal Police Station, Pune City, on executing P.R. bond of Rs.1,00,000/- and furnishing one or two solvent sureties in the like amount.

- (ii) The Applicant shall attend the concerned Police Station on 26th November 2025 and 27th November 2025 between 11.00 a.m. to 2.00 p.m. and thereafter once in a week i.e. on each Sunday between 11.00 a.m. to 2.00 p.m. and shall co-operate with the investigation.
- (iii) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (iv) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (v) The Applicant shall not leave India without prior permission of the Court.

(vi) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant, or any witness, in any manner.

9. The Anticipatory Bail Application is allowed and disposed of accordingly.

BHALCHANDRA
GOPAL
DUSANE

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2025.11.19
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(MADHAV J. JAMDAR, J.)