



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.476 OF 2025
(Sheikh Mobin s/o Sheikh Maheboob Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. F. Mirza, Sr. Advocate h/f Mr. S.M. Khan, Advocate for the
applicant.
Ms S.S. Dhote, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 24, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.293/2025 registered with Police Station Pusad, District Yavatmal for the offence punishable under Sections 316(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 and Section 66(D) of the Information Technology Act, 2000, the applicant approached this Court for grant of pre-arrest bail.

2. As per the case of the prosecution the institution namely Jamiya Ashrafiya Education and Welfare Society (Madarsa), Mahur Road, Pusad is an institution meant for the purpose of giving religious and Islamic education to the children between the age group 10 to 18 years. It is alleged that the institution also accepts and collect money towards donation by distributing pamphlets and calendar by providing the account number of the said institution. It is further alleged that there is no registration of any such institution in the name of Tahfeez-Ul-Quran but this name is mentioned in

the said pamphlet and said calendar. There is no audit report of the said society for the financial year 2024-2025. It is alleged that present applicant who is the office bearer of the said welfare society who has obtained the donation in his personal account and misappropriated the amount. On the basis of the said report, police have registered the crime against the present applicant.

3. Mr. Mirza, learned Senior Counsel submitted that it is a bonafide mistake committed by some of the donors, and therefore, the applicant is arraigned as an accused. He also placed on record the calender and submitted that the account number and the IFSC code is mentioned. Thus, it reveals that mistakenly it was sent to the personal account of the present applicant. As far as his custodial interrogation is concerned which is not required. The investigating agency can obtain the details about his accounts from the bank itself. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application and submitted that considering the role of the present applicant who has obtained the donations in his personal account, and therefore, his custodial interrogation is required. She placed reliance on the calender as well as the association form, account details and statement of the donor and submitted that the involvement of the present applicant reveals. In view of that, the application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers it reveals that some amounts are deposited in the personal account of the present applicant. The statement of the donor shows that he was intending to pay the amount as to the donations and he was intending to pay the said donations to the Jamiya Ashrafiya Education and Welfare Society (Madarsa), therefore, he has scanned the QR Code and said amount was not deposited in the account of the institute but it was deposited in the account of the present applicant. Thus, it appears that some mistake was there and due to that mistake that amount was transferred in the account of the present applicant. As far as the custodial interrogation is concerned which is not required as the aspect can be considered by imposing certain conditions on the present applicant. In view of that, the application of the applicant deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of the arrest, the applicant - Sheikh Mobin s/o Sheikh Maheboob in connection with Crime No.293/2025 registered with Police Station Pusad, District Yavatmal for the offence punishable under Sections 316(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 and Section 66(D) of the Information Technology Act, 2000, be

released on anticipatory bail, on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 a.m. and 01.00 p.m. and shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

(v) The applicant shall furnish his detailed address along with address proof before the investigating agency.

(vi) The applicant shall not leave the jurisdiction of Yavatmal district without prior permission of the Sessions Court, Pusad.

6. The contravention of any of the condition would lead to the cancellation of bail.

7. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)