



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION(ABA) NO. 810 OF 2025

Sandip Gangaram Borakar Vs. State of Maharashtra

CRIMINAL APPLICATION(ABA) NO. 809 OF 2025

Mohammad Sahajahan Shafat Ahamad Vs. State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.A.S.Mardikar Senior Adv. a/b Mr.M.I Dhatrak, Adv. for
applicant in ABA No.810 of 2025

Mr.Rohan Deo, Adv. for applicant in ABA No.809 of 2025.

Mr.C.A.Lokhande,APP for the State

Mr.J.R.Rathor, counsel assisting to the prosecution.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 08/12/2025

1. The applicant Sandip Borkar was at the relevant time working on the post of Chief Officer whereas the applicant Mohammad Sahajahan S/o. Shafat Ahamad was working as a President of Municipal Council. A criminal law was set in motion on the basis of application preferred under Section 156(3) of the Code of Criminal Procedure. The said application was filed in the year 2021 and order came to be passed on 29/9/2025.

2. According to the First Information Report, there was allotment of work contract in pursuance with the tender issued by the Municipal Council, Kamptee. The complainant had challenged the tender process pointing out the illegalities before the Collector, Nagpur. The Collector, Nagpur vide its order dated 25/06/2021 observed that no substance was found in the allegations made by the complainant. According to the applicant Sandip, he has also lodged First Information Report bearing No. 240/2021 dated 12/07/2021 for the commission of offence punishable under Section 420 of Indian Penal Code against the complainant in the present case.

3. Prima facie, it seems that, the Collector has earlier by conducting inquiry arrived at is the conclusion that no irregularity has taken place. It is informed that, the order of the Collector is not challenged by the complainant before any Court. In that view of the matter, immediate custodial interrogation of the applicants namely Sandip S/o. Gangaram Borkar and Mohammad Sahajahan S/o. Shafat Ahamad is not required.

4. Learned APP has opposed the application stating that though it is out of private complaint and the report is there to verify what type of offence is committed by these applicants, custodial interrogation of these applicants is

necessary. The learned counsel assisting to the prosecution has also opposed the application as *prima facie* case is made out against these applicants. Considering the arguments made by the learned APP and the learned counsel assisting to the prosecution, only because the crime is registered, the custodial interrogation is not necessary. Hence, the ad-interim protection granted on 28/10/2025 needs to be confirmed on the same terms and conditions. Hence the following order:-

- i] The applications are allowed.
- ii] The order dated 28/10/2025 granting ad-interim anticipatory bail is confirmed on the same terms and conditions.
- iii] The applicants shall attend the concerned police station as and when called by the investigating officer.
- iv] The applications stand disposed of.

JUDGE