

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

ANTICIPATORY BAIL APPLICATION NO.2597 OF 2024

Zahira Hasmat Miyan

...Applicant

V/s.

The State of Maharashtra

...Respondent

Adv. Ashish Dubey a/w Adv. Gayatri Gupta, for the Applicant.

Mr. Y.M. Nakhwa, APP for the Respondent-State.

PSI - Goas Sayyad, Investigating Officer, Malad Police Station, present.

CORAM : SHYAM C. CHANDAK, J.

DATED : 9th APRIL, 2026

P.C. :-

. The Applicant is seeking for pre-arrest bail in C.R.No.720 of 2024 registered with Malad Police Station, Mumbai under Sections 74, 115(2), 352, 189(2), 316(2), 318(4), 336(3), 337 and 3(5) of Bharatiya Nyaya Sanhita, 2023 on the complaint filed by Hina Shaikh.

2) Heard Mr. Dubey, learned Counsel for the Applicant, Mr. Nakhwa, learned APP for the Respondent-State. Perused the final report produce by the learned APP.

3) The prosecution case is that, the Applicant falsely promised the informant-Hina Shaikh that, she will get her admitted in Oriental College, Sanpada, Navi Mumbai for L.L.M. course and induced the informant to pay her Rs.70,000/- as admission fees. However, the Applicant did not secure the admission as promised and instead issued a fake payment receipt to the informant. When informant demanded her money back, the Applicant and the co-accused persons abused and assaulted the informant. Therefore, the informant filed a complaint on 27th August 2024 and the aforesaid crime came to be registered against the

Applicant and others. The Anticipatory Bail Application No.1407 of 2024 filed by the Applicant came to be rejected by the Sessions Court, Greater Bombay *vide* Order dated 12th September 2024.

4) In the Order dated 23rd September 2024 passed in this Application, it is recorded that the alleged fake receipt was already taken in possession by the investigating agency. In view of the undertaking by the Applicant that she will surrender her mobile phone and cooperate with the investigation, direction was passed not to take coercive action against the Applicant. However, Applicant was directed to attend the police station on 1st, 2nd & 3rd October, 2024 for the purpose of investigation. The Order dated 4th October 2024 recorded that the Applicant complied with the Order dated 27th September, 2024.

5) Considering the allegations, custodial interrogation of the Applicant is not necessary. This is conceded by the Investigating Officer Mr. Sayyad. The investigation is completed and charge-sheet is already filed. Learned Counsel for the Applicant, on instructions, stated that the Applicant will voluntarily refund the disputed amount to the complainant by tomorrow *i.e.*, 10th April, 2026. The Applicant is not likely to abscond and tamper with the prosecution evidence.

6) In view thereof, the Applicant deserves for grant of pre-arrest bail. Hence, following Order :-

:: ORDER ::

(a) Application is allowed.

(b) In the event of the arrest of the Applicant – Zahira Hasmat Miyan in C.R.No.720 of 2024 registered with Malad Police Station, Mumbai under Sections 74, 115(2), 352, 189(2), 316(2), 318(4), 336(3), 337 and 3(5) of Bharatiya Nyaya

Sanhita, 2023, she shall be forthwith released on bail, on her furnishing P.R. bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

- (c) The Applicant shall regularly attend before the trial Court.
 - (d) The Applicant shall not tamper with the prosecution evidence and shall not threaten the prosecution witnesses.
 - (e) The Applicant shall furnish her mobile number and detailed address to the trial Court and a change therein, if any.
- 7) The Anticipatory Bail Application stands disposed of.

(SHYAM C. CHANDAK, J.)