

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

**INTERIM APPLICATION NO.566 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.268 OF 2024**

Khurshid Aslam Shaikh	... Applicant
V/s.	
The State & Anr.	... Respondents

Mr. A. S. Khan, R. Shaikh for the Applicant.
Mr. S. R. Agarkar, APP for Respondent No.1-State.
Ms. Alfiya Shaikh i/by Vishal Kolekar for Respondent No.2.

**CORAM : N.R. BORKAR, J.
DATE : 16TH JANUARY 2026**

PC. :

1. This is an Application for cancellation of anticipatory bail, granted by this Court vide order dated 31st January 2024 in Anticipatory Bail Application No.268 of 2024 to Respondent No.2 in the present application.

2. Paragraphs 5 and 6 of the said order reads thus:

“5. *Learned APP, on instructions, submitted that the investigation has revealed that the applicant has not received any money from the first informant and his claim about being a victim is also found to be true after the investigation.*

6. *I have considered these submissions. In view of the stand taken by the learned APP, the submission of learned counsel for the applicant that the applicant is also one of the victims will have to be accepted. There is nothing to show that the applicant himself has received any part of the amount paid by the first informant. There are agreements executed by the informant and his family members with Bharat Patel.*

Thus, it appears that the applicant himself had believed the representation made by Bharat Patel and had only suggested that house scheme to the informant. Beyond that, there does not appear to be any active involvement of the present applicant. In this view of the matter, custodial interrogation would be unfair to him. He can be protected U/s.438 of the Cr.p.c.”

3. Learned Counsel for the Applicant submits that the statement made by the Learned APP in Paragraph 5 on the basis of which this Court has granted anticipatory bail to Respondent No.2 is factually incorrect and there is enough incriminating material against Respondent No.2. It is submitted that in such circumstances, the anticipatory bail can be cancelled by the same court. In support of the said submissions, Learned Counsel for the Applicant has relied upon the decision of the Hon’ble Supreme Court in the case of ***Manik Madhukar Sarve & Ors. vs. Vitthal Damuji Meher & Ors.***¹

4. Learned Counsel for Respondent No.2 on the other hand submits that this Court after examining the material on record has observed that there does not appear to be any active involvement of the Respondent No.2 in the crime in question. It is submitted that thus the present application may not be entertained.

5. The present application appears to be in the nature of review and therefore, the same cannot be entertained. Hence, the present Interim Application is rejected.

(N.R. BORKAR, J.)

¹ Criminal Appeal No.3573 of 2024 dated 28th August 2024.