

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

BAIL APPLICATION NO.2869 OF 2025

Peer Mohammed Shaikh **...Applicant**
Versus
State of Maharashtra **...Respondent**

**WITH
INTERIM APPLICATION NO.4043 OF 2025
IN**

BAIL APPLICATION NO.2869 OF 2025
Afsana Bano Mansuri and Ors. **...Applicants**
Versus
State of Maharashtra **...Respondent**

Mr. Tariq Khan, for the Applicant.
None for the Applicant in Interim Application No.4043/2025.
Ms. Gauri S. Rao, APP for the Respondent - State.
API – Gokul D. Bhoi, Khar Police Station, Mumbai, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 04TH FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 53 of 2025 dated 21st January, 2025 registered with the Khar Police Station, for the offences punishable under Sections 316(2), 318(4), 351(3), 3(5) and 111 of the Bharatiya Nyaya Sanhita (for short 'BNS').

2. The facts of the case, in brief, are that the First Informant (now deceased) represented to the Applicant that he was the owner of piece and parcel of land situated at Khar. He induced the present Applicant to accept the development rights in the said land and proposed that they should enter into a partnership with 30% of profit and loss to the present Applicant and rest to the First Informant. Accordingly, an agreement was executed by and between the parties to develop the said land. It is the case of the prosecution that the Applicant has caused construction on the said land, however, later it transpired that the First Informant had misrepresented himself regarding the ownership and title of the said land being with him and forged documents to induce the present Applicant to collaborate with him in constructing the said building. It is also alleged that the present Applicant and the First Informant had induced various other purchasers to part with their money and allotted them flats in the building constructed by the Applicant. Since it now transpired that the First Informant was not the owner of the land and entire

construction was illegal, the corporation has demolished the entire construction in the said land and have taken possession of the land. The First Informant erroneously and falsely implicated the Applicant in the present FIR. The Applicant was arrested on 17th February, 2025 pursuant to registration of the FIR.

3. The Applicant made an application seeking bail before the Addl. Sessions Judge, City Civil & Sessions Court, Greater Bombay, however, by order dated 27th June, 2025, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr. Khan, learned counsel for the Applicant, submits that the Applicant himself was cheated by the First Informant. In fact, according to Mr. Khan, the Applicant herein has caused entire construction of the building with the money, which he received from all the purchasers. Ultimately, on account of forging in title document of the said land as

committed by the First Informant, the corporation demolished the said building constructed on the said land. In these circumstances, Mr. Khan prays that the Applicant is falsely implicated in the alleged offence and it is the First Informant who should have been made an accused. He thus prays that the Applicant be enlarged on bail.

5. Ms. Rao, learned APP, although contests the Bail Application, has fairly conceded that the facts as narrated by the counsel for the Applicant are more or less correct. She, however, submits that the present Applicant and the deceased-First Informant have in fact effected cheating the flat purchasers. She, however, submits that charges have not been framed and the prosecution intends to examine 48 witnesses.

6. In these circumstances, it is unlikely that the trial will conclude in the near foreseeable future.

7. In view of the aforesaid, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.1,00,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m., till the charges are framed;
- iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;
- v) The Applicant shall not leave India, without the permission of the Trial Court;
- vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. Since Bail Application is disposed of, nothing survives for consideration in the Interim Application; hence the same is also disposed of.

11. In any case by order dated 3rd October, 2025 last opportunity was given to the Applicant to file Intervention Application. Despite filing of Intervention Application none appeared on behalf of the Intervenor.

(DR. NEELA GOKHALE, J)