



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

CRIMINAL APPLICATION [ABA] NO. 654 OF 2025

SHEIKH NOOR S/o SHEIKH ISMAIL

VERSUS

STATE OF MAH., THRU. P.S.O., P.S., GITTIKHADAN, NAGPUR.

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

Court's or Judge's Order

Mr. Chaitanya B. Barve, Advocate for the applicant.
Mr. Nitin S. Autkar, A.P.P. for the non-applicant/State.

CORAM : M. W. CHANDWANI, J.
DATE : FEBRUARY 04, 2026.

1. Heard Mr. C. B. Barve, learned counsel appearing on behalf of the applicant and Mr. Nitin Autkar, learned A.P.P. appearing on behalf of the non-applicant/State.
2. The applicant is apprehending arrest in connection with Crime No. 716/2024 registered with Police Station, Gittikhadan, Nagpur for the offences punishable under Sections 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code.
3. The learned counsel appearing for the applicant submitted that the applicant has no connection with the alleged crime. Only because an amount of Rs. 9,00,000/- was received by the applicant from the co-accused, he has been falsely implicated in this crime.
4. According to the learned counsel, this is nothing but a loan transaction between the applicant and co-accused Afsar Ahmad (accused no.2). He further submitted that the applicant is not named in the FIR. Therefore, a case is

made out in favour of the applicant for confirmation of the ad-interim protection granted by this Court vide order dated 04.09.2025.

5. On the other hand, learned A.P.P. submitted that the applicant is the main culprit, who has not only played an instrumental role in getting the property transferred by impersonation but also helped the husband of the complainant to defraud her. Therefore, he prayed for rejection of the application.

6. Perusal of the case diary, more particularly the FIR reveals that the matrimonial relations between the complainant and her husband (accused no.1 Sarfaraj Shaikh) were strained. It is alleged that a plot which was in the name of the complainant and her son, was transferred by the husband of the complainant (accused no.1), posing himself to be the owner of that plot. By forging the documents, he sold the same to Afsar Ahmed (accused no.2) by way of registered Sale Deed dated 28.03.2022. Thereafter, Afsar Ahmed sold that plot to one Mohd. Shafi on 01.03.2023.

7. Perusal of the case diary further reveals that main accused Sarfaraj Sheikh had approached the applicant and one Adv. Sahanaj Khan and told that though, the plot is in the name of his wife and son, but in fact the money consideration was paid by him. The applicant and Adv. Khan assured accused no.1 Sarfaraj that they will take care of the formalities. It is further revealed that the applicant and Adv. Khan forged the documents by

showing Sarfaraj Sheikh (accused no.1), the husband of the complainant as the owner of the plot and sold the said plot to accused no.2 Afsar Ahmed. The record reveals that an amount of Rs.9,00,000/- was transferred to the present applicant which also demonstrates his involvement in the crime.

8. The learned counsel for the applicant submitted that the amount was transferred in the year 2022 and not in the year 2024, as observed by the trial Court. This is all the more reason to believe that after accused no.2 purchased the plot in question from accused no.1 by registered sale deed dated 28.03.2022, he paid a part of the consideration amount to the present applicant to the tune of Rs.9,00,000/-. Be that as it may, the date mentioned by the trial Court in its order rejecting the anticipatory bail application of the present applicant appears to be a mere typographical error. Perusal of the bank account statement of the applicant reveals that accused no.2 transferred a total amount of Rs.8,70,000/- to the account of the applicant on 15.07.2022. The date has been recorded as 15.07.2024 by the trial Court, which is nothing but a typographical error. Therefore, this submission will not help the applicant to contend that the trial Court has not appreciated the case for anticipatory bail in its proper perspective.

9. It appears that the crime was committed in a pre-planned manner. Various aspects and angles are required to be unearthed in this crime. Therefore, to go to the root

of the matter, custodial interrogation of the applicant would be required.

10. Therefore, in my view, no case is made out for confirmation of the ad-interim protection granted by this Court vide order dated 04.09.2025. The anticipatory bail application stands rejected.

(M.W.Chandwani, J.)

Diwale