



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO. 986 OF 2025

Syed Naeemullah S/o. Syed Azmatullah

Vs.

State of Maharashtra

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

Court's or Judge's Order

Shri N. R. Tekade, Advocate for applicant.
Shri S. B. Bissa, APP for non-applicant/State.

CORAM :- M. W. CHANDWANI, J.

DATED :- 04.03.2026

Heard.

2. The applicant seeks anticipatory bail in connection with Crime No. 562/2025 registered with Police Station Mangrulpir, District Washim for the offences punishable under Sections 406 and 420 r/w. 34 of the Indian Penal Code.

3. Heard the learned counsel for the applicant as well as the learned APP for the State.

4. Perusal of the case-diary reveals that the complainant wanted to go to Haj pilgrimage and therefore, he contacted Al-Fala Tours and Travels Company, Akot for arranging the Haj pilgrim tour for him and his family members. Accordingly, the complainant from time to time, paid an amount of Rs.20,42,851/- to the applicant and other co-accused. It is also alleged that

though, the amount has been taken by the applicant and other co-accused but they did not make any arrangement for the travel. Even no air tickets were booked by the applicant and other co-accused. It is also stated that when the complainant demanded his amount back, a cheque came to be issued but, the same was dishonored. Proceedings under Section 138 of the Negotiable Instruments Act (for short, "NI Act") as well as a consumer complainant has been filed by the complainant.

5. Perusal of the complaint filed by the complainant under Section 138 of NI Act reveals that the complaint has been made against the brother of the applicant (co-accused) only. In the said complaint, it is alleged that the entire amount has been paid by the complainant to the brother of the applicant (co-accused). Even the consumer complaint has been filed against the brother of the applicant. Thus, the applicant is neither an accused in the complaint filed under Section 138 of the NI Act nor a party to the consumer complaint filed by the complainant. Though, it is alleged in the First Information Report that the amount has been given to the applicant and co-accused but the documents reveal that no amount has been transferred or given to the present applicant.

6. Considering the material against the applicant and in view of the facts stated above, custodial interrogation of the applicant may not be required. The

applicant, under the dictum of this Court has attended the concerned Police Station and co-operated in the investigation. Hence, a case is made out for confirming the *ad-interim* protection granted to the applicant vide order dated 24.12.2025. Hence, the following order:-

- i) The *ad-interim* protection granted to the applicant vide order dated 24.12.2025 is hereby confirmed except condition (iv).
- ii) The applicant shall attend the concerned Police Station as and when called by the Investigating Officer and shall co-operate in the investigation.
- iii) The application is disposed of accordingly.

(M. W. CHANDWANI, J.)