

Appl. Exh.6

-:1:-

in ABA 823 of 2026

MHCC020062882026



IN THE COURT OF SESSION FOR GREATER MUMBAI AT MUMBAI

ORDER BELOW APPLICATION EXHIBIT NO.6

IN

ANTICIPATORY BAIL APPLICATION NO.823 OF 2026

IN

(C.R. NO. 176/2026)

Yunus Ahmed Maniyar

**... Applicant /
Accused**

V/s.

The State of Maharashtra

**(Through MRA Marg Police Station vide C. R.
No.176/2026)**

... Respondent

Mohammed Iqbal Ahmed Maniyar

... Intervenor

Appearance :-

Mr. Husen Shaikh, Ld. Advocate for the Applicant.

Mr. K. Y. Salunkhe, Ld. APP for the Respondent.

Mr. Ramiz Shaikh h/f. Mr. Rizwan Merchant, Ld. Advocate for the intervenor.

Mr. Nalawade, Ld. Advocate for second intervenor.

**CORAM: H H THE ADDL. SESSIONS JUDGE
SHRI. V. B. BOHRA (Court Room No.27)**

DATE : 28th July, 2026

ORDER

The second intervenor **Mohammed Iqbal Ahmed Maniyar** filed this application for intervention. According to him, recently he came to know that he was shown as a trusty of the Hasham Bhika Lorgat Trust

in change report dated 20.02.2016. However, he never consented to be appointed as a trusty. His name was entered without his knowledge. He was never informed about the trust by his father. Further, he does not support the allegations made by the first informant Shaukat Ahmed Maniyar in the FIR. He has prayed accordingly.

2) The First Informant Shaukat Ahmed Maniyar, has also submitted his application as a intervenor, has strongly opposed this application by filing reply at Exh.7. According to him, the second intervenor has no *locus-standi*.

3) The applicant accused vide reply Exh.6-A submitted that, the second intervenor application will caused delay in disposal of the main anticipatory bail application and submitted for passing appropriate orders.

4) The Ld. IO and Ld. APP have written submissions at Exh.9 and statement of the second intervenor recorded by the police during the investigation, is attached with it.

5) Heard all sides. The Ld. Advocate for the intervenor- First Informant placed his reliance on the judgment passed by ***the Hon'ble Bombay High Court on 29.03.2012 in Criminal Application No.391/2011 in Criminal Anticipatory Bail Application No.599/2011 in between Mr. Premkumar Sharma V/s. The State of Maharashtra.***

6) I have gone through the rival submissions, rival contentions of the parties, relevant provisions of law, documents produced by the parties, judgment cited supra and the record of this proceeding.

7) As per the ratio laid down by the Hon'ble Bombay High Court in the judgment cited supra, only the first informant / complainant has right to be heard in an application for anticipatory bail filed by the accused.

8) The contents of this application filed by the second intervenor **Mohammed Iqbal Ahmed Maniyar** itself goes against him. It is clearly contended by him that, recently he came to know about the change report dated 20.02.2016, whereby, he was shown as a trusty of the trust. Further, he categorically declared in para 4 of the application that, he never consented to be appointed as a trusty and also contended in para 5 that, his name was entered without his knowledge. Even, he has contended that, he does not support the allegations made by the first informant Shaukat Maniyar in the FIR.

9) The above contentions itself shows that, he is not at all victim as define under Section 2(1)(y) of the BNSS. As per that provision victim means a person who has suffered any loss or injury caused by reason of the act or omission of the accused.

10) Merely because during the course of investigation, his statement is recorded by the police cannot be good ground for allowing him to intervene. Admittedly, he is not the first informant or complainant in the matter. Assuming for a moment that, he is one of the trusty of the trust, still the said fact is not sufficient for him to intervene the present proceeding. From the contentions in the application filed by him, it is clear that, he is not supporting the allegations made by the intervenor / First Informant Shaukat Maniyar. In other words, his interest with that of the first informant appeared to be not similar.

Appl. Exh.6

-:4:-

in ABA 823 of 2026

11) The Ld. APP has argued that, in a civil proceeding one of the trusty has right to be on record of the civil litigation related to the trust, but this being the criminal proceeding, the second intervenor has no right. This argument is acceptable.

12) For the reasons stated above, considering the definition of victim and the ratio laid down in the judgment cited supra, no good case is made out by the second intervenor **Mohammed Iqbal Ahmed Maniyar** for allowing him to intervene in this proceeding. Accordingly, his application is not tenable and liable to be rejected. Hence, I proceed to pass following order :-

Application Exhibit No.6 in Anticipatory Bail Application **No.823 of 2026** is hereby rejected and disposed off accordingly.

(V. B. BOHRA)

Additional Sessions Judge

Court No.27

City Civil and Sessions Court

Gr. Mumbai

Date: 28.07.2026

Directly typed on

Computer : 28.07.2026

Signed on : 28.07.2026

Appl. Exh.6

-:5:-

in ABA 823 of 2026

<u>“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”</u>		
Upload Date	Upload Time	<u>Name of Stenographer</u> Mr. Ashok Sudhakar Patil
28.07.2026	05.35 PM	
Name of the Judge (With C.R. No.)		HHJ Shri V. B. Bohra (C.R.No. 27)
Date of Pronouncement of JUDGMENT /ORDER		28.07.2026
JUDGMENT /ORDER signed by P.O. on		28.07.2026
JUDGMENT /ORDER uploaded on		28.07.2026