

MHTH060024762026



Cri. Bail Appln. No. 1243/2026

Shahanwaz Khalifa alias Shahnawaz Abdul

Rehman Khalifa V/s. State.

CNR NO. MHTH060024762026

ORDER BELOW EXH. 1

(Passed on 02.07.2026)

01. This is an application filed on behalf of applicant/accused No.2 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 who is apprehended arrest by Mahatma Phule Chowk Police Station in connection with Crime No.I-353/2026 for the offence punishable under Sections 305, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

02. As per the informant she resides at Kalyan along with her mother having age 90 years. According to the informant since she do not have child she has brought up and treated like daughter to accused No.1 who was residing at her neighbourhood. It has been contended on behalf of the informant that on 21.09.2025 she had been at Saudi Arabia and returned back on 11.10.2025. The informant had alleged that on 28.09.2025 accused persons had been at her residential house where her mother was present and they have removed gold ornaments, cash total amounting to Rs.11,16,951/- from the cupboard and taken away hurriedly. As per the informant when her mother asked reason to accused persons, they have not given

any kind of information regarding taking away ornaments and cash. According to the informant when she returned back from Saudi Arabia, her mother told the incident, but for some period they were under presumption that the accused may return back ornaments and cash, however they have neglected the same and thereby she constrained to file report on 22.05.2026 at Mahatma Phule Chowk Police Station.

03. As per the applicant he has not committed any offence, but falsely implicated in present crime by making baseless, false and motivated allegations. According to the applicant that there is unexplained delay of 7 months since the informant claims that she learnt about alleged incident immediately after returning from Saudi Arabia in the month of October, 2025, however complaint given on 22.05.2026. According to the applicant entire case is based upon suspicion, assumptions and there is no direct evidence showing involvement of applicant and there is no eye witness claiming that who saw applicant while removing the ornaments or cash from the cupboard of the informant. It is contended on behalf of the applicant that they are having cordial and close family relations with informant and admittedly accused No.1 brought up and treated like daughter by the informant whereby the allegations are highly improbable, arise out of personal and family dispute. Lastly, the applicant claims that the alleged recovery is

documentary and physical in nature whereby custodial interrogation is not necessary.

04. The investigating officer by filing say at Exh.4 has objected the application stating that when informant had been at Saudi Arabia and her mother was present alone at her residential house, accused Nos.1 and 2 in furtherance of their common intention have taken away gold ornaments and cash totally of Rs.11,16,951/- on 28.09.2025 by removing the same from the cupboard and therefore recovery of the same at the instance of accused is necessary. As per the investigating officer accused persons are hiding their presence and when investigating officer had been at the house of accused at Panvel, he could not traced them and therefore detail investigation as regard to offence is necessary with the applicant. It has been contended on behalf of the investigating officer that already notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been forwarded to the accused, they have not co-operated investigating machinery by attending the police station and therefore for the purpose of recovery of stolen property, to verify the associates of accused persons and to ascertain to whom gold ornaments have been sold, the detail custodial interrogation is necessary.

05. The informant by filing say at Exh.7 has objected the grounds stated in bail application and claimed that there exist

strong circumstantial evidence against the applicant as the applicant was accompanied with informant while purchasing ornaments, applicant had prime knowledge regarding ornaments, applicant knew informant had gone abroad, applicant had access to the premises, recovery is still pending and jewellery shop owner and staff members are material witnesses. The informant claims that the custodial interrogation with present applicant is necessary as it appears that by entering into the house, by opening cupboard they have removed gold ornaments and cash there from.

06. Heard the learned advocate for applicant, the learned Assistant Public Prosecutor and learned advocate for informant Perused the documents submitted along with list at Exh.3 and case papers on which the investigating officer has placed his reliance. After perusal of body of first information report and averments from present application it reveals that admittedly accused No.1 was brought up and treated like her daughter by the informant. So far as allegations are concerned, the informant claims that she had been at Saudi Arabia in between 21.09.2025 to 11.10.2025 by leaving behind her old aged mother. The informant has alleged that her mother told that on 28.09.2025 accused persons had been at her house, they brought sweets to the mother of informant and evening time they have opened the cupboard, removed gold ornaments, cash totally amounting to

Rs.11,16,951/- and taken away the same without consent of the informant and out of her possession. It is true that there is delay in registration of first information report, but the informant has given explanation that they were under impression that accused persons may return back gold ornaments and cash. So mere delay in registration of first information report is not sufficient to exercise discretion of grant of anticipatory bail in favour of the applicant.

07. So far as the line of investigation is concerned, when allegations relate to taking away property out of possession of the informant without her consent, definitely recovery of the same is necessary. Mere relations in between informant and accused No.1 is like mother and daughter does not mean that recovery is not expected. After perusal of case papers it reveals that the investigating officer has recorded the statement of the mother of informant and on perusal of said statement it reveals that she remained firm on the allegations that accused persons have taken away gold ornaments and cash of Rs.2,20,000/-. Resultantly recovery of stolen property is necessary. It is relevant point to be noted that the informant has placed on record receipts and invoices showing purchase of gold ornaments. At the same time the investigating officer claims that despite of issuance of notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 accused did not attend police station for the purpose of

investigation. Furthermore the investigating officer claims that first investigating officer Shri. Pawar had been at the house of accused at Panvel but they never found at their residential house and they are hiding their whereabouts. Resultantly the custodial interrogation with present applicant is necessary for the purpose of recovery of ornaments and to verify their intention and motive behind the commission of crime. So applicant cannot be released on anticipatory bail. Hence, I proceed to pass the following order.

ORDER

- 1] Application is hereby rejected.

- 2] It is clarified that the observations in this order are limited for the purpose of deciding present bail application only and I have not made any observations on merits of the case.

Dt. 02.07.2026

(R.V. Tamhanekar)
Additional Sessions Judge,
Kalyan

CERTIFICATE

I affirm that the contents of this PDF file Order are same word to word, as per the original Order.

Name of Stenographer	:	S.V. Sawant (Stenographer Grade-1)
Court	:	Additional Sessions Judge, Kalyan
Dated	:	02.07.2026
Order signed by the Presiding Officer on	:	02.07.2026
Order uploaded on	:	02.07.2026