

IN THE COURT OF ADDL. SESSIONS JUDGE, SOLAPUR.

(Presided over by Shri.PPRajvaidya)

CRIMINAL BAIL APPLICATION NO.178/2026.

(CNR No.MHSO-0100-0570-2026)

1.Mustafa A. Ajj Shaikh and }
 2.Gulam Rasul A.Ajj Shaikh }...**APPLICANTS.**
Versus
 State of Maharashtra }...**OPPONENT.**

 Shri.PPNavgire, learned advocate for the applicants.

Smt.Deshpande, learned APP for the opponent.

ORAL ORDER

(Passed on 18/03/2026)

(A)Case Details:

FIR Number and Date	Crime No.93/2026 dated 19/02/2026.
Police Station, District & State	P.S.Akkalkot North District Solapur in State of Maharashtra.
Sections invoked	Sections 316, 318, 351(2), 352 r/w 3(5) of Bharatiya Nyaya Sanhita, 2023.
Maximum punishment prescribed	Up to 7 years.

(B)Custody & Procedural compliance:

Date of Arrest	Applicant Nos.1 & 2 – Nil.
Total period of custody undergone	Applicant Nos.1 & 2 – Nil.

(C) Status of Trial:

Stage of proceedings (Investigation/ Charge-sheet/Cognizance/Framing of Charges/Trial)	Investigation.
Total Number of witnesses cited in the charge-sheet	–
Number of prosecution witnesses examined	–

(D)Criminal Antecedents:

FIR Number and Police Station	Applicant Nos.1 & 2 – Nil.
Sections	Applicant Nos.1 & 2 – Nil.
Status (Pending/Acquitted)	Applicant Nos.1 & 2 – Nil.

1. This is an application under Section 482 of Bharatiya Nagarik Suraksha Sanhita for grant of anticipatory bail.

2. Read the application and say. Heard learned advocate Shri.Navgire for the applicants and learned APP Smt.Deshpande for the prosecution. Perused the entire record.

3. Allegations in FIR may be stated in brief as under;

Mustafa A. Ajij Shaikh (applicant No.1) and Gulam Rasul Shaikh (applicant No.2) are owners of field Gat No.123/1/A situated at Akkalkot (R). Informant has agreed to purchase 20 R area out of the said field from those owners for a consideration of Rs.11,25,000/- in the name of his wife. Registered agreement to sale with possession is executed by those owners at the office of the Sub-Registrar on 30/01/2025. Earnest amount of Rs.1,25,000/- was given by cheque by the informant to those owners at the time of execution of agreement to sell and balance sale consideration was agreed to be paid within six months at the time of execution of sale deed. By showing their need at the time of execution of registered agreement to sell, these owners had requested the informant to pay them Rs.5,00,000/-. Informant has paid Rs.5,00,000/- to them in presence of his parents, Vipul Kadam, Manjur Valsangkar and Nasir Husen Attar. Informant had told these owners to deposit the cheque for encashment after one month. These two owners alongwith Kamarunnisa Gulam Rasul Shaikh and Manjur Ahmad Valsangkar went to the hotel of the informant after one month and told him to cancel the registered agreement to sell and to prepare a bond on a stamp paper of Rs.500/- before Notary. Informant had insisted them to get the cheque encashed by saying that it is not necessary to execute bond before Notary as registered agreement to sell is already executed. Thereafter on 09/03/2025, Dadu Shaikh and Sarfaraj Shaikh went to the hotel of the informant, gave

threats and abuses to him and asked him to cancel the transaction. Despite repeated requests made by the informant to execute sale deed, these owners did not respond positively hence, notices through advocate have been sent four times. Three notices are not received and fourth notice is received which is replied with a contention that any transaction is not entered into. Informant had thereafter contacted these owners time and again but they refused to complete the transaction. Both these owners and Dadu Mustafa Shaikh have given threats to the informant so also, all of them along with Manjur Valsangkar have cheated him by committing his criminal breach of trust.

4. On the basis of the report lodged as above, crime for the offences mentioned above came to be registered against the applicants and others at P.S. Akkalkot North.

5. Learned advocate for the applicants argued that informant has falsely implicated the applicants in false crime, suit is already filed by the wife of informant against the applicants in the Civil Court, her injunction application is rejected by the Civil Court and appeal preferred by her is also dismissed by the District Court after which, informant has lodged this false report with false allegations. He argued that in the plaint filed by the wife of the informant, she has nowhere alleged that amount of Rs.5,00,000/- is paid to the applicants which itself shows that report is lodged with false allegations. He argued that if not released on anticipatory bail, applicants will have to face humiliation hence, they may be enlarged on bail by imposing any conditions.

6. As against this, learned A.P.P. argued that applicants have cheated the informant and wife of informant by receiving huge amounts from them. She argued that names of applicants are available in F.I.R. and

their custodial interrogation is necessary with the police for proper investigation of the crime due to which, application is liable to be rejected.

7. Applicants have placed on record copy of plaint in Special C.S. No.554/2025 which has supported the argument of their learned advocate that wife of the informant has already filed a civil suit against the applicants for seeking relief of Specific Performance of agreement dtd.30/01/2025. Perusal of said copy of plaint also supports his argument that it is nowhere averred therein by the wife of the informant that she has paid amount of Rs.5,00,000/- to the applicants either at the time of execution of registered agreement to sell dtd.30/01/2025 or thereafter. Averment in the plaint appears to be that amount of Rs.1,25,000/- was paid to the applicants as earnest amount and that too, through cheque. It is apparent from the material produced by the applicants that said cheque is not encashed at any time by the applicants.

8. Copy of Judgment in Misc.C.A.No.96/2025 shows that this FIR is lodged after decision in said Misc. Civil Appeal. Having considered the material available on record, this Court is of the opinion that dispute between the informant and the applicants is of civil nature. Applicants have filed synopsis wherein they have stated that they do not have criminal antecedents. Prosecution has not alleged that applicants have criminal past. Having regards to the nature of allegations, it appears that custodial interrogation with the applicants is not essential either for recovery purposes or for further investigation of the crime. Thus, holding that this is a fit case to exercise discretion under Section 482 of B.N.S.S., I pass the following order.

ORDER

- (a) Criminal Bail Application No.178/2026 is allowed.
- (b) In the event of arrest in Crime No.93/2026 registered at

PS. Akkalkot North for offences punishable under Sections 316, 318, 351(2), 352 r/w 3(5) of Bharatiya Nyaya Sanhita, applicant No. 1 Mustafa A. Ajj Shaikh and applicant No. 2 Gulam Rasul A. Ajj Shaikh be released on bail on their executing PR bonds in the sum of Rs.25,000/- each with one solvent surety each in the like amount by them.

(c) Applicants shall not tamper with the prosecution evidence in any manner.

(d) Applicants shall make themselves available for interrogation purposes as and when required by the Investigating Officer.

(e) Applicants shall attend P.S. Akkalkot North, Solapur on every Sunday and Wednesday for a period of two months from today in between 11.00 am to 1.00 pm. And they shall co-operate the investigating officer in investigation of the crime.

(f) Applicants shall not directly or indirectly make any inducement, threat or promise to the informant or any person acquainted with the facts of the case so as to dissuade him from disclosing the facts of the case to the Court or to the police officers.

(g) Applicants shall submit copy of their Aadhar Card or PAN Card or Driving License to the Investigating Officer.

(h) Applicants shall not leave India without previous permission of the Court.

Date : 18/03/2026.

**(P.P.Rajvaidya)
Addl. Sessions Judge,
Solapur.**

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment.

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| (a) Name of the Stenographer | : | Kurle S.S., Steno Grade 1 |
| (b) Court | : | DJ-2 and ASJ, Solapur. |
| (c) Judgment dictated by P.O. on | : | 18/03/2026 |
| (d) Judgment signed by P.O. | : | 18/03/2026 |
| (e) Digital Signature on | : | 23/03/2026 |
| (e) Judgment uploaded on | : | 23/03/2026 |