

MHCC050014332026



IN THE COURT OF SESSIONS AT SHINDIG
(BOLIVAR DIVISION), GOREGAON, MUMBAI

ANTICIPATORY BAIL APPLICATION NO. 398 OF 2026

IN

C. R. NO. 146 OF 2026

Sharuq Aslam Shaikh

Aged : 32 years, Occ : Law Student,
Residing at : Room No. 428, Chawl – 54,
M.H.B. Colony, Gaikwad Nagar,
Opp. Malwani Bus Depot,
Malwani Gate No. 8, Malad (West),
Mumbai – 400 095.

... Applicant

V/s

The State of Maharashtra

(At the instance of Borivali Police Station,
Mumbai in C. R No. 146/2026)

... Respondent

Appearances :-

Ld. Advocate Nikita Sharma for the Applicant.

Ld. APP Usha Jadhav for the State/Respondent.

Ld. Advocate Sadik Kureshi for the Intervenor.

CORAM : Her Honour Additional Sessions Judge

Smt. S. N. Sachdeo

(C. R. No. 12)

DATE : 18th August, 2026

ORDER

This is an application under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (hereinafter referred as “B.N.S.S.”) for

anticipatory bail on apprehension of arrest in connection with C. R. No. 146 of 2026 registered with Police Station, Borivali for the offences under Sections 308(4), 3(5) of Bharatiya Nyaya Sanhita, 2023, (hereinafter referred as 'BNS').

2. I have heard Learned advocate for applicant and Learned APP for State. Perused the grounds of the application, documents, reply filed by the State including FIR.

3. The informant lodged report with Borivali Police Station on 05/02/2026 contending that he runs Elite Luxury Spa in Mumbai, having five different centers located at different places. The applicant alongwith other unknown persons have conspired and demanded money from him from time to time, as ransom amount. By doing so, they are threatening the informant to cause death and implicate him in false case of prostitution. Since December, 2025 the applicant and other unknown persons are giving false information to the police station about the same by dialing number 100. Hence, on 03/02/2026 he lodged report to Bangur Nagar Police Station for the offence punishable under Section 308(4), 351(3) and Section 3(5) of BNS, 2023, for which crime bearing no. 0077 of 2026 is registered. Subsequently, again on 04/02/2026 when he was present in his house, Sharukh Aslam Khan or his some other associates abused in filthy language, stating that he can not save himself even if he lodges report against him, because he belongs to Uttar Pradesh and after hiring gundas from Uttar Pradesh and paying them Rs. 25,000/-, those persons can shoot him at any time. He continued making such phone calls and threatening him for ransom or extortion of money from him. The informant went on convincing him

not to harass him and let him conduct his business peacefully, but in vain. Getting fed up with the same, he lodged report against said applicant on 05/02/2026.

4. The applicant is coming with following grounds for pre-arrest bail. It is contended that the applicant is implicated in false case. He has not committed any offence and he has no nexus with any other unknown persons mentioned in the FIR. He is student of final year of Law, pursuing his education from Mumbai University. Upon receiving credible information that the informant and his aids are running business of prostitution under the garb of Spa business, he has relayed information to the police. He has approached with Malvani Police Station to lodge complaint against the informant, which is registered as NCR dated 18/01/2026, as crime no. 312/2026. Likewise his brother also approached Malvani Police Station for lodging report, which is registered as crime bearing No. 130/2026 against the informant, one Sunil Sanghvi and other unknown persons. Only upon registration of said FIR, the informant approached Bangur Nagar Police Station and lodged report against him. Thereby, he is implicated in false case. He is permanent resident of Mumbai. He is ready to abide by terms and conditions and undertakes not to directly or indirectly cause inducement, threat or promise to any person. He has his entire career ahead. He is already released in ABA in respect of FIR No. 77 of 2026 vide order dated 24/02/2026. Thereby, he has prayed for protection of pre-arrest bail.

5. The investigating officer filed say at Exh. 2 and prayed to reject ABA of the the applicant contending that, the applicant is not

cooperating investigating agency, though he is served with notice as per Section 35(3) of BNSS, 2023. Necessary property like cell phone, fabricated documents, sim cards etc. are required to be seized from him. FIR is clear in respect of his name. He is not permanent resident of Mumbai and he runs gang of gundas, unlike him his other associates with his help are extorting money from various persons under threat. Already such offence is registered against him with Bangur Nagar Police Station. From the call recording provided by the informant it makes clear about involvement of the applicant in commission of crime. Thereby, he has prayed for rejection of pre-arrest bail.

6. The intervenor has filed his say cum affidavit vide Exh. 5 contending that, at present discussions are on going between himself and the applicant for amicable resolution of the dispute. They are successfully making efforts to resolve the matter mutually and arrive at comprehensive settlement. In view of the same he has no objection if the Court grants appropriate relief to the applicant and he shall cooperate in taking appropriate legal steps in accordance with law of filing consent terms, affidavit and proceeding for quashing of said FIR before the Hon'ble High Court.

7. Heard learned Advocate for the applicant, learned APP for the State and learned Advocate for the intervenor. Perused record.

8. It will not be out of place to mention here that the application in hand is filed by the applicant on 23/03/2026. The Investigating Officer in his entire say has nowhere made clear whether the charge-sheet in the present crime is filed in the Court or not. Even at

the time of advancing arguments, nothing was pointed out by the learned Advocate representing the informant.

9. After going through the say filed by the Investigating Officer and perusal of record, it is clear that, prior to this also crime is registered against the applicant with Bangur Nagar Police Station which is not disputed by the applicant. If the contention of the applicant is considered for a while to be genuine, it would have been right for him to adopt legal procedure before proper forum and agitate any grievance which he has alleged to have against the informant in the public interest if at all, he being Law student as per his contention. Had it been so, there was no need for the Investigating Officer to conduct investigation as mentioned in his say Exh. 2 that the applicant belongs to gang of guns. The accusations against applicant are serious. It is also contended by the Investigating Officer that that applicant is not extending cooperation to the notice issued to him as per Section 35(3) of BNSS, 2023. This in itself goes to show the approach of the applicant. Moreover, cell phone, sim card, alleged fabricated documents are yet to be seized from said applicant, for which his thorough interrogation sounds essential. The accusations against him are serious. Moreover, prima facie from the contents of report and say filed by the Investigating Officer, it also appears that he belongs to Uttar Pradesh. In such circumstances, if he is released on pre-arrest bail, the chances of getting flee away cannot be ruled out.

10. Admittedly, prior to this also crime bearing no. 77/2026 is already registered against him. This goes to show criminal antecedents against him. Here I would also like to discuss affidavit Exh. 5 filed by

the informant, in which it is contended that discussions are going on between him and the applicant for amicable resolution of dispute and he would take appropriate legal steps in accordance with law for quashing of FIR before the Hon'ble High Court. If this is so, there was no necessity for the informant either to lodge the report or to wait till disposal of ABA application. His said affidavit seems to be dated 22/06/2026. Till today, nothing is filed on record about the alleged steps to have been taken by him before Hon'ble High Court, as is contended by him in Notarized affidavit Exh. 5. The aim of setting law in motion is not to encourage such type of practices of raising serious accusations of extortion of ransom and thereafter, file such affidavits before the Court. Keeping in mind, serious accusations against the applicant, the say filed by the Investigating Officer Exh. 2 and the fact of criminal antecedents against the applicant, I am not inclined to consider his prayer. Resultantly, I pass the following order :-

ORDER

Anticipatory Bail Application No. 398 of 2026 is rejected and disposed off.

Date : 18.08.2026

(S. N. Sachdeo)
Additional Sessions Judge,
City Civil and Sessions Court,
Borivali Division, Dindoshi, Mumbai.

Directly Dictated by HHJ on computer
Checked & Signed by HHJ on

: 18.08.2026
: 18.08.2026

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”	
Date : 18/08/2026 Time : 5.46 P.M. UPLOAD DATE AND TIME	Miss. Tejal C. Rane (Stenographer Grade-I) NAME OF STENOGRAPHER
Name of the Judge (with Court room no.)	HHJ Smt. S. N. Sachdeo (Court Room No. 12)
Date of Pronouncement of JUDGMENT/ORDER	18.08.2026
JUDGMENT/ORDER signed by P.O. on	18.08.2026
JUDGMENT/ORDER uploaded on	18.08.2026