



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

ON THE 10th OF AUGUST, 2026

MISC. CRIMINAL CASE No. 25031 of 2026

SHADAB HUSSAIN SARFARAJ HUSSAIN

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Shri Manish Yadav – Advocate for the applicant.

Shri Rahul Solanki – Govt. Advocate for the respondent/State.

Shri Arpit Singh – Advocate for the objector/respondent.

Reserved on : 05.08.2026

Pronounced on : 10.08.2026

ORDER

This is first application under section 482 of BNSS, 2023 for direction to release on bail in case if he is apprehended in connection with Crime No.547/2025 registered at police station Neelganga, Ujjain for the offence punishable under sections 420, 467, 468 and 471 of the IPC.

2. As per prosecution, applicant/accused forged a WILL purported to be executed by his mother dated 04.06.2013 regarding Plot No.1 at Green Park, Shanti Nagar, Ujjain area 4350 Sq.Ft. in favour of applicant/accused. The above plot was in the ownership of his mother Lt. Nafeesa Bano. Lt. Nafeesa Bano purchased the same on 21.03.2006 through registered sale deed for a consideration of Rupees Two Lacs. Husband of Lt. Nafeesa Bano died on 12.03.2012 and Lt. Nafeesa Bano also died on 02.12.2017.



3. Lt. Nafeesa Bano has two sons' namely present applicant Shadab Hussain and Shahbaj Hussain and one daughter Nilofer Bee. This case originates on the complaint of Nilofer Bee wherein; she alleged that Shadab Hussain prepared a forged WILL purported to be executed by his mother and disclosed for the first time, the existence of WILL in the year 2023 in the Office of Municipal Corporation, Ujjain and got mutated the plot in his name without their consent on 29.04.2024 and further transferred the same through registered sale deed dated 16.10.2024 in favor of co-accused Atif Raja Dehlvi, who is the son of present applicant, so that daughter (Nilofer) could be excluded from her share in the mother's property and started a construction of hotel on the subject plot.

4. When the grievance of the Nilofer was not addressed by the police administration then she approached this court through W.P. No.9627/2025 and vide order dated 24.03.2025, a direction was issued to the Station House Officer, Police Station, Neelganga, Ujjain to consider the complaint filed by Nilofer Bee and take appropriate action as per ***Rajendra Singh Pawar & Ors. vs. State of M.P. and Ors.*** reported in ***(2021) 2MPLJ 100***.

5. Thereafter, the alleged WILL was seized and the natural thumb impression of Nilofer Bee was collected and forwarded to Finger Print Bureau of State Crime Record Bureau, Police Headquarter Bhopal (M.P.) and vide report dated 16.03.2025, Finger Printing Expert opined that WILL purported to be executed by Lt. Nafeesa Bano does not bear the thumb impression of Nafeesa Bano and the statements of sole surviving attested witness of the WILL i.e. Mohd Salim s/o Rabbani Hussain were also recorded.

6. This application has been preferred for anticipatory bail on the ground that the story of prosecution itself seems suspicious. There is no legal evidence against the applicant. The civil suit is pending before the competent court. It is further submitted that the dispute is purely civil nature. It is further submitted that the applicant is financially good and he was falsely implicated in the case. Trial will take considerable long time for its conclusion. The applicant is a permanent resident of district Indore and there is no possibility of him to flee from the court of law.

7. Counsel for the objector filed objections through I.As No.7411/2026 and 7825/2026 and raised the objection that in this case the factum of co-accused Atif Raja Dehlvi and dismissal of application for anticipatory bail preferred through MCRC No.57313 of 2025 vide order dated 19.12.2025 have been suppressed.

8. In this regard, clarification was sought vide order dated 21.07.2026 and counsel for applicant submitted through I.A. No.10015/2026 that no record of the case was available or reflected on the official website of the Hon'ble High Court, therefore, the applicant had no knowledge of the said proceedings and the facts of the case were neither deliberately nor intentionally concealed. Any alleged non-disclosure was bona fide and unintentional, without any intention to mislead the court.

9. The reason for non-disclosure of the dismissal of the application of co-accused is not convincing as the co-accused is none other than the son of the present applicant. Despite this non-disclosure, the court is considering the matter on merit without taking note of the non-disclosure.



10. The prayer of the applicant for anticipatory bail is based on the following citations, which are as follows:-

A. *Mohammad Ibrahim and Ors vs. State of Bihar and Another*, (2009) 8 SCC 751;

B. *The Commissioner of Police & Ors. vs Devender Anand & Ors*, AIR 2019 SC 3807;

C. *Madhusudan vs. Sangeeta*, 2019(3) M.P.L.J. (Cri.) 621;

D. *V.Y. Jose and Another vs. State of Gujarat and Another*, (2009) 3 SCC 78;

E. *Dhananjaya vs. State of M.P.*, 2005(4) M.P.L.J. 11.

11. On the contrary, counsel for the objector have relied on the Apex Court decision in the case of ***State represented by the Central Bureau of Investigation vs. Anil Sharma*** reported in **(1997) 7SCC 187**.

12. The scope of anticipatory bail has been examined by the Apex Court in ***Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and Another*** reported in **2025 SCC OnLine SC 1489**. For the sake of convenience, para 18 is being reproduced as below:-

“18. This Court, in numerous judgments, has held that anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. In this regard, we may gainfully refer to ***Srikant Upadhyay v. State of Bihar*, (2024 SCC OnLine SC 282)** wherein this Court noted as follows:

We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the



rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases...."

(emphasis supplied)

13. Now we examine whether the facts of this case are reflect only a dispute of civil nature warranting exercise of power under section 482 of the BNSS, 2023 to release on anticipatory bail or it is a case where the documents have been forged and forgery have been committed only to oust the share of female member in the property of mother and denial of anticipatory bail.

14. The material collected during the investigation are to the effect that on a claim of Nilofer in the property of mother, the existence of WILL dated 04.06.2013 comes into picture and the property got mutated in the name of applicant and M/s Shalimar Associates is formed on 20.11.2023. A loan of Rs.1,28,25,000/- is received in the name of M/s Shalimar Associates from Aditya Biral Finance Ltd. on 23.10.2024 as co-borrower of Shadab Hussain (present applicant), Mr. Atif Raja and Ms. Jenab Bee Dehlvi and a sale deed also executed by the present applicant in favor of his son, who is the co-accused on 15.10.2024.

15. The Report of the Director, Finger Printing Bureau, State Crime Record Bureau, Police Headquarters, Bhopal, M.P., dated 16.10.2025,



opines that the purported Will does not bear the thumb impression of Lt. Nafeesa Bano. Further, the sole surviving attesting witness to the Will has denied its execution by Lt. Nafeesa Bano. In such circumstances, the matter cannot be treated as a mere civil dispute; rather, it goes beyond the scope of a civil dispute. Moreover, when co-accused Atif Raja Dehlvi has been denied anticipatory bail, the case of the present applicant stands on a still weaker footing. Therefore, the applicant cannot be extended the benefit of anticipatory bail on the strength of the judgments in *Mohammed Ibrahim (supra)*, *The Commissioner of Police (supra)*, *Madhusudan (supra)*, *V.Y. Jose (supra)* and *Dhanajaya (supra)*. Hence, no case for grant of anticipatory bail is made out.

16. Accordingly, the present application for anticipatory bail filed by the applicant under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) stands *dismissed*.

(GAJENDRA SINGH)
JUDGE