

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

Criminal Application No. 4763 Of 2013.
WITH
Criminal Application No.4764/2013.
WITH
Criminal Application No.4765/2013 .
WITH
Criminal Application No.4766/2013.

JAMILABEE SHIKANDAR SHAIKH (SAYYED)
VERSUS
THE STATE OF MAHARASHTRA.AND OTHERS.

Appearance =>

Mr. Narayan Narwade, Advocate for the Applicant.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of Maharashtra.

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the Non-Applicants.
(Brothers and Sisters of present Applicant)

Mr. N.R. Bhavar, Advocate for the Non-Applicants. (subsequent purchasers.)

CORAM : **V.M. Deshpande, J.**

DATE : **15th April, 2015.**

Per Court :-

All these Applications are filed under Section 439(2) of the Code of Criminal Procedure by the original Complainant – Jamalbee Shikandar Shaikh(Sayyed), seeking cancellation of anticipatory bail granted in favour of the Non-Applicants, whereby the learned Additional Sessions Judge, Shrirampur, District – Ahmednagar granted anticipatory bail in their

favour, respectively, in connection with CR No. 144/2013 registered with Police Station, Shrirampur, District – Ahmednagar for the offences punishable under Sections 420, 465, 468, 471, 166 read with 34 of the Indian Penal Code.

[2] Heard Mr. Narwade Narayan, learned counsel for the Applicant – Amilabee Shikandar Shaikh (Sayyed), Mr. Shaikh Mazhar A. Jahagirdar, learned counsel, who is representing brothers and sisters of present Applicant, who are Non Applicants in these proceedings and also Mr. N.R. Bhavar, learned counsel who is representing the subsequent purchasers.

[3] There is no dispute that, present Applicant has instituted Civil Suit bearing Regular Civil Suit No.66/2013 for cancellation of sale deed executed by her brothers and sisters in favour of Iqbal Abdul Karim Shaikh, (Non-Applicant in Criminal application No.4765/15) and said Suit is still pending. Further the sale deed is executed in the year 2001 however, the knowledge of said fact was reached to the present Applicant, in the year 2012. On the same day, deed of relinquishment is also executed.

[4] Thus, it appears, genesis of the matter is, really whether the Applicant is the owner of said property or not and suit in that respect is sub judice before the competent civil court. It appears that said has weighed in the mind of the learned Additional Sessions Judge, while granting the anticipatory bail. Further there is no allegation that the subsequent purchaser, who is Non-Applicant in Criminal Application No.4765/15 was connivance with brothers and sisters of the present Applicant.

[5] Anticipatory bail is granted in the year 2013. Looking to the fact that, civil suit is already pending and especially when nothing is brought on record to show that Non-Applicants, at any point of time, have misused the liberty granted in their favour. Considering the fact that, the Investigating Officer has not completed the investigation and has not filed the charge sheet, it is expected the Investigating Officer to complete the investigation in accordance with law. The Investigating Officer will take appropriate action as advisable in the eye of law. With these observations, Criminal Applications are dismissed.

(V.M. DESHPANDE, J.)