IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.20 OF 2016

Anwar Hussain Zeenat Ali Khan and Another ... Applicants
vs.
The State of Maharashtra and Another ... Respondents

Mr. S.A. Shaikh, for the Applicants.
Mrs. Rutuja Ambekar, APP for Respondent – State.
Mr. H.S. Venegaonkar, for the Intervener.
Mr. B. Shinde (PSI), Sakinaka police station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **29th MARCH, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicants/accused are facing charges for the offences punishable under Sections 420, 465, 467, 468, 471 and 120(B) of the Indian Penal Code in C.R. No. 50 of 2015 registered with Sakinaka police station, Mumbai. The offence is registered at the instance of one Harishbhai Patel on 6th February, 2015.

2. It is the case of the complainant that he is the resident of U.S.A. and the owner of land which is known as "*Bharat Coal Compound*". He being of dual nationality stays in U.S.A. and occasionally comes to India. In the year 2009, when he visited India,

he sold the said property to one Rani Chavan. However, he found that the applicants/accused have encroached upon the said property and taken illegal possession of shop No. 13, CTS No. 66, 66/42 to 48 admeasuring 1179 sq.mtrs. The documents i.e. power of attorney and agreement of sale were forged in the name of complainant and his partner late Manubhai Patel and the applicants/accused have committed forgery of around Rs. 90 lacs.

3. The learned counsel for the applicants/accused submit that applicant No. 1 is the son of applicant/accused No. 2 who is 78 years old. It is submitted that the applicants/accused will cooperate the police. Their specimen handwriting are also taken by the investigating officer. The applicants/accused are on interim bail. He submits that their custody is not required.

4. The learned prosecutor and the learned counsel for the complainant both oppose the application. It is submitted that the applicants/accused have committed forgery by submitting forged documents i.e. power of attorney and also executing sale deed in their favour. They are the beneficiary of the forgery. Hence, their custodial

interrogation is required for further interrogation.

5. Perused the first information report and other documents. *Prima facie* the offence of forgery and cheating is made out. However, the documents are already seized from the office of Revenue Authority, by the police. The offence is committed in the year 1993. Considering this, I am of the view that the custodial interrogation of the applicants is not required. With this I pass the following order:

(a) The anticipatory bail application is allowed;

(b) In the event of arrest, the applicants/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 25,000/- each with one or two solvent sureties in the like amount;

(c) The applicants/accused shall not tamper with the evidence;

(d) The applicants/accused shall cooperate with the Investigating Officer and shall attend Sakinaka police station, Mumbai as and when called by the investigating officer for one month or till filing of the charge-sheet, whichever is earlier.

6. Accordingly the anticipatory bail application stands disposed of.

(MRS.MRIDULA BHATKAR, J.)