

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.44 OF 2016

Lalkhan Ibrahim Khan	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Shyamrishi Pathak, for the Applicant.
Mrs. S.S. Kaushik, APP for Respondent – State.
Mr. Vijay Kadam (API), Amboli police station present.

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

DATE: **29th MARCH, 2016**

P.C.:

. The application is moved for pre arrest bail. One Tajibunissa Khan has filed a private complaint bearing No. 680/SW/2014 before the Court of Metropolitan Magistrate, 66th Court, Andheri, Mumbai. The learned Judge has given the direction to investigate the matter under Section 156(3) of Criminal Procedure Code and pursuant to which the offence was registered at M.E.C.R. No. 5 of 2015 at Amboli police station, Mumbai under Sections 420, 465, 467, 120(B), 504 and 506(II) of the Indian Penal Code.

2. It is the case of the prosecution that the complainant is the wife of applicant/accused. It is her case that the residence and shop which were in the slum were in her name however the applicant/accused has filed forged and bogus documents before S.R.A. Authority and obtained the premises in his name. Hence, she has filed this complaint.

3. The learned counsel for the applicant/accused has submitted that the complainant has filed civil suit in the year 2013 which is pending before the City Civil Court in which the interim relief is granted in her favour. He further submitted that he has given specimen handwriting to the investigating officer. Hence, his custody is not required.

4. The learned prosecutor though oppose the application, on instruction submits that specimen handwriting of the applicant/accused is taken and the further custodial interrogation is not required. However, she requested for attendance of the applicant/accused, as and when required.

5. In view of the above, I grant anticipatory bail application to the applicant under following terms and conditions:

- a) The anticipatory bail application is allowed.
- b) The interim protection granted earlier to the applicant by an order dated 12th January, 2016 is hereby confirmed on the same terms and conditions.
- c) The applicant shall not tamper with the evidence;
- d) The applicant shall cooperate with the Investigating Officer and shall attend the concerned police station on every Saturday between 6.00 pm to 7.00 pm 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.)