

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.703 OF 2016

Shri Mehboob Rasool Qureshi

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Y.V. Nayyar for the Applicant

Ms.Alpa Javeri, APP, for Respondent – State

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

DATE: **APRIL 22, 2016**

P.C.:

1. The application is moved for pre-arrest bail as the applicant-accused is facing prosecution for the offences punishable under sections 465, 467, 468, 471, 420 r/w 34 of the Indian Penal Code in C.R. No.92 of 2016 registered with the Goregaon police station, Mumbai. The offence was registered on 29.2.2016 by one Rajiya Sayeed Ahmed Ali Sayeed. It is her case that she wanted to buy a house out of the retiral benefits of her husband. She and her husband came in contact with one Anis Ahmed and Raju, the co-accused in the year 2012. They had some transactions in respect of one room which they purchased for Rs.10,10,000/-, in April, 2012. Thereafter, again in September, 2012, the co-accused brought the applicant Mehboob Qureshi at the house of the complainant and informed that he wanted to sell the house for Rs.9 lakhs. The proposal was

accepted by the complainant, who paid Rs.9 lakhs to the present applicant on 22.9.2012. The agreement of sale was prepared. However, Mehmoob, the applicant-accused, after accepting the money handed over the power of attorney in the name of one Mohd. Rashid to him. However, they were informed that the room in fact is in the name of one Mohd. Rasheed as he is a project affected person. Then, again, the applicant-accused contacted the complainant and her husband and gave proposal of one more room which was agreed to be bought for Rs.9 lakhs. The said amount was paid. However, they realised that all these rooms which were purchased by the complainant, belonged to MMRDA and MMRDA, finally locked those rooms and therefore, the complainant gave the information to the police that on the basis of fake sale deeds, the rooms were sold and she had been cheated for Rs.28,10,000/-.

2. The learned Counsel for the Applicant submitted that the applicant-accused Mehboob Rasool Qureshi has played a limited role. He has purchased this room from Shafiq, one of the co-accused, earlier for Rs.9 lakhs in 2012 and paid Rs.1,25,000/- in cash and thereafter remaining amount of nearly Rs.8 lakhs was paid in cash. He submitted that the applicant-accused is innocent. He wanted to sell the room and, therefore, he sold it to the complainant and her husband for Rs.9 lakhs. The agreement of sale which was handed over by him to the complainant shows the date as 15.7.2011. It is between Mohd. Rashid and one

Sayyed Ahmed Ali.

3. Learned Prosecutor has opposed the application.

4. After considering the transactions and the FIR, it appears that the applicant-accused was involved alongwith the co-accused and there was agreement between them. The rooms sold were in fact owned by MMRDA. The complainants are cheated by the accused. I am not inclined to protect the applicant-accused. The Anticipatory Bail Application is rejected.

(MRIDULA BHATKAR, J.)