

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.1369 OF 2016

Mr.Mohd. Intikab Hasan Shaikh
@ Hasan Shaikh Mirasaheb Shaikh

.... Applicant/
Accused No.1

versus

The State of Maharashtra

... Respondent

Mr.Ayaz Khan a/w Mr.S.S. Bhandary for the applicant.
Mrs. J.S. Lohokare, Addl. Public Prosecutor, for the
respondent/State.

CORAM : A.S.GADKARI, J.
DATE : 01st SEPTEMBER, 2016

P.C. :

1. This is an application under section 439 of Cr.P.C. for bail in C.R.No.424/15 dated 23/11/2015 registered with Antop Hill Police Station, Mumbai, under sections 419, 420, 465, 467, 468, 471, 201 r/w 34 of the Indian Penal Code.

2. The First Information Report is lodged on 22/09/2015 by Mr.Kamlakar H. Dhamba, Head Clerk, working in the office of the Estate Manager, Old CGO Building, M.K. Road, Mumbai-400 020. It is stated in the First Information Report that the witness

namely Mr.Janeshwar Devraj Ram and his sons Mr.Jaikishan Ram and Mr.Mukesh Ram, approached his office on 19/05/2015 and showed a notice purportedly issued by the office of the complainant, thereby directing them to vacate room No.1639, Type-I, Sector-7, CGS Colony, S.M.Road, Antop Hill, Mumbai-37. After perusing the said notice, officers from the office of the Estate Manager, Central Government Office realized that the said notice was a fabricated document. It is the further prosecution case that the aforesaid room was originally allotted to Mr.Mangal Nanji Vora and said Mr.Mangal Vora handed over the possession of the said Government quarters to witness Mr.Janeshwar Devraj Ram. That initially the said witness Mr.Janeshwar Ram paid rent of the said room to Mr.Vora, however, after he received the information that Mr.Mangal Vora expired, he stopped payment of rent of the said room to him. That, subsequently the applicant pretending to be the son of Mr.Mangal Vora approached the witness Mr.Janeshwar Ram and used to collect the rent of the said room from him.

3. It is the further case of the prosecution that the applicant subsequently served the purported notice allegedly addressed by the office of the Estate Manager, Central Government

in the name of Mr.Mangal Vora for vacating the said premises, inter alia directing the said witness Mr.Janeshwar Ram to vacate it. In the premise, the first information report is lodged. After lodgment of the first information report, the police investigated the crime and have filed the charge sheet.

4. It is revealed during the course of investigation that the applicant by misrepresenting himself to be the son of Mr.Mangal Vora has collected the rent of the said room from the witness Mr.Janeshwar Devraj Ram and subsequently also served the alleged fabricated notice upon him.

5. The applicant is arrested on 01/02/2016. The investigation of the crime is completed. Learned Counsel for the applicant submitted that prima facie it is difficult to accept the applicability of section 467 of the Indian Penal Code to the present crime and it is the only section to which sentence of life is prescribed. He submitted that all the sections applied to the present crime are triable by Magistrate. After perusing the entire record annexed the application I find substance in the submissions of the learned counsel for the applicant. The record further reveals

that there are no antecedents at the discredit of the applicant. In view of the above, I am inclined to release the applicant on bail.

6. Hence, the following order :

- (i) The applicant be released on bail in CR No.424 of 2015 dated 23/11/2015 registered with Antop Hill Police Station, on his furnishing PR bond of Rs.50,000/- with one or two local sureties in the like amount.
- (ii) After his release from jail, the applicant shall attend the Antop Hill Police Station, once in a month i.e. on every first Monday of the month between 11.00 a.m. to 02.00 p.m., till the completion of trial.
- (iii) The applicant shall also attend all the dates before the trial Court.
- (iv) Any two consecutive defaults in complying with the aforesaid conditions will attract the provisions for cancellation of bail.
- (v) Criminal Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)