

Noor Mohammed Adam Halai ... Applicant
Vs.
The State of Maharashtra & ors. ... Respondents

CORAM: MRS.MRIDULA BHATKAR, J.

P.C.:

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complainant is also residing in America and therefore in 2013 when the son of the complainant returned from America to Mumbai, he found tht the applicant-accused has changed the revenue records of the said property. Names of all the co-accused were entered in the property documents of the bungalow as also the estate of the rear side of the bungalow. It is the case of the complainant that the applicant-accused and his children prepared a unilaterally forged deed of conveyance so also two powers of attorney dated 24.3.2004 and 7.10.2014 as also 4 indemnity bonds of two sisters, mother and legal heirs were all forged and bogus documents were submitted. All the documents were notarised and were submitted before the office of the Registrar, Bandra and unilateral conveyance deed was executed in favour of the applicant-accused and therefore, the offence is registered.

2. The learned Counsel for the Applicant has submitted that pursuant to the order dated 25.2.2016 of this Court, the applicant-accused gave his specimen signatures to the police and also produced all the original documents of the power of attorney before the Investigating Officer. Therefore, he prays that his custody not required.

3. The learned Counsel for the complainant opposed this application and submitted that the documents are now sent to the opinion of the handwriting expert and till the said opinion is received by the police, this

application is not to be disposed of. He submitted that on the day when the powers of attorney and deed of conveyance were executed, all these persons were not in India and therefore, this is forged.

4. The learned Prosecutor confirms that all the original documents and the specimen signatures are obtained by the Investigating Officer from the applicant-accused and also the statements of the notary and the advocate are recorded. Therefore, as per the instructions, the custody of the applicant-accused is not required.

5. Pursuant to the order of 25.2.2016 as the original documents are produced before the Investigating Officer and the specimen handwriting is also given as also in view of the statement made by the Investigating Officer, I am of the view that the custodial interrogation of the applicant-accused is not required in this case. Hence, the earlier anticipatory bail granted on 25.8.2015 is confirmed on the same terms and conditions except that the applicant-accused shall attend the concerned police station as and when called.

6. Anticipatory Bail Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)