

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

ANTICIPATORY BAIL APPLICATION NO. 2065 OF 2016

Yakub Ibrahim Mangera & Anr.	.. Applicants
Versus	
The State of Maharashtra	.. Respondent

Mr. Gautam Kanchanpurkar, Advocate for the Applicants.
Mr. A.S. Patil, A.P.P. for the Respondent – State.

CORAM : N.W. SAMBRE, J.

DATED : 30th NOVEMBER, 2016.

P.C. :

1 The present applicants are shown to be accused Nos.4 and 5 in Crime No.113 of 2016 for the offences punishable under sections 419, 420, 465, 467, 468, 471 r/w. 34 of the I.P.C., who claimed to have purchased the property in question for a consideration of Rs.20 lakh on 31.10.2013 from there predecessor in title i.e. accused No.1 who by impersonation purchased the said property on 08.02.2013 for an alleged consideration of Rs.13 lakh.

2 In the above referred background while trying to make out the case for pre-arrest bail, the learned counsel submits that the applicants are bonafide purchaser and has also parted with the consideration. According to him, there is no accusation of impersonation against the present applicants and in view thereof custodial interrogation is not required.

3 The learned A.P.P. opposed the application on the ground to verify whether the second sale deed was executed at the behest of main accused the custodial interrogation is necessary.

4 What could be noticed from the investigating papers is the applicants have purchased the property on 31.10.2013 for consideration of Rs.20 lakh out of which Rs.15 lakh were paid by cheque. The applicants also volunteers that he shall deposit the original title deed with the Investigating Officer as and when directed along with the details of payment made to the accused No.1.

5 In view thereof in my opinion the custodial interrogation is not warranted particularly in the background of allegation as could be noticed against the applicants in the F.I.R.

6 The application is allowed. The applicants to appear before the Investigating Officer on 07.12.2016 between 10.00 a.m. to 12.00 noon and shall furnish all the original documents as stated herein above and shall further co-operate in the investigation. The applicants shall attend Investigating Officer as and when called. The applicants shall not tamper with the evidence or influence the witnesses.

(N.W. SAMBRE, J.)