

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 572 OF 2017**

Ismail Malik Mujawar	...Applicant
Versus	
State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO. 369 OF 2017
(FOR INTERVENTION)
IN
CRIMINAL BAIL APPLICATION NO. 572 OF 2017**

Babasaheb Hanif Rohile	...Intervener/Applicant
------------------------	-------------------------

IN THE MATTER BETWEEN :

Ismail Malik Mujawar	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Ganesh K. Gole I/b Mr. Ritesh Ratnam for the Applicant

Mr. S. S. Pednekar, A.P.P for the Respondent-State

Mr. Kedar J. Patil for the Intervener in APPP/369/17

CORAM : REVATI MOHITE DERE, J.
MONDAY, 3rd JULY, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 155 of 2016 registered with the Ichalkaranji Police Station, Kolhapur, for the alleged offences punishable under Sections 255, 420, 465, 466, 468, 471, 474, 484, 485, 447, 201, 504, 506, 34 of the Indian Penal Code.

3. Learned Counsel for the applicant states that there is no material to connect the applicant with the alleged offence. He submits that even the statement of Sayyed Gafari to whom the land was sold, shows that he had learnt the name of the applicant from others. He submits that even the statement of the complainant's wife-Noorjahan does not spell out the applicant's role in the said offence.

4. Learned A.P.P does not dispute the aforesaid, nor does the learned Counsel for the intervener.

5. Perused the papers. According to the complainant-Babasaheb Rohile, he is the owner of the property bearing Survey No. 679 Hissa No.2, area admeasuring 0.09 ares i.e. 9 gunthas, which he had sold to his wife-

Noorjahan in the year 2010 by a registered Sale Deed dated 15th March, 2010. According to the complainant, on 12th July, 2016, the owners of the adjacent land informed him that some people had erected a compound wall on his land. On inquiry from the said people, the complainant was shocked to learn that the said property was shown to be sold in favour of one Manoj Nikam. On seeing the 7/12 extract, he learnt that the name of his wife-Noorjahan was deleted and the name of Manoj Nikam was shown as the owner of the said property. On seeing the revenue entry i.e. mutation entry No. 53790, he learnt that the said property was allegedly sold by his wife-Noorjahan to Manoj Nikam on 20th March, 2012 and was thereafter sold by Manoj Nikam to one Sayyed Gafari on 1st July, 2016. It appears that the said entries in the revenue records were taken on the basis of a purported Sale Deed executed by Noorjahan in favour of Manoj Nikam. The complainant thereafter approached the office of Talathi and requested, that the name of Manoj Nikam be deleted from the 7/12 extract as well as from the mutation entry. Pursuant thereto, the Sub-Divisional Officer cancelled the name of Manoj Nikam as it transpired that the alleged Sale Deed between the complainant's wife-Noorjahan and Manoj Nikam was a sham document. As far as the present applicant is concerned, there is no specific

role assigned to him. It is only alleged that he conspired along with Manoj Nikam and others. As far as the statement of Sayyed Gafari is concerned, it shows that he has only learnt the name of the applicant and others and has not specifically stated the role of the applicant or having met him. Even in the FIR, the applicant's name has not been mentioned. The applicant is in custody since 7th December, 2016. Investigation is complete and charge-sheet is filed. In the facts, considering the role of the applicant, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Monday of every month between 11:00 a.m. to 12:00 noon till the conclusion of the trial;
- (iii) The applicant shall not tamper the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial.

6. The application is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. In view of the above order, intervention application being Criminal Application No. 369 of 2017 also stands disposed of.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.