

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

CRIMINAL APPLICATION NO.209 OF 2015

Zubin Boman Faramarzi

... Applicant

Vs.

The State of Maharashtra & anr.

.. Respondents

Mr.Ayaz Khan for the Applicant

Mr.S.S. Hulke, APP, for Respondent – State

Mr.S.P. Nalavade for Resp. No.2

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 9, 2017

P.C. :

1. In this application, the applicant i.e., the original complainant, has challenged the order dated 18.12.2014 passed by the learned Sessions Judge thereby granting pre-arrest bail to the respondent No.2/accused.

2. The learned Counsel for the applicant, the complainant, has submitted that he is not challenging the order on merit but on the illegality and suppression of fact by the respondent/accused. He submitted that the respondent/accused has made a false statement in his Anticipatory Bail Application i.e., in paragraphs (f)

and (h) thereof, in the complaint filed by the respondent/accused, that the complainant was released on pre-arrest bail. It is a false statement. He further submitted that in a civil Suit No.83 of 2014, which was filed by the respondent/accused, in para 8, she made a statement that no interim orders were passed. He submitted that in fact in the said suit, order of appointment of Commissioner was passed. He further submitted that the facts taken down by the learned Judge in respect of purchase of land by Shankar Baliram Gaikwad are incorrect.

3. Learned Prosecutor is present. Learned Counsel appearing for the Respondent No.2/accused submitted that the accused has not flouted any condition imposed in the order of grant of pre-arrest bail.

4. Perused the order passed by the learned Sessions Judge. Considered the submissions made by the learned Counsel for the original complainant and the learned Prosecutor as also the counsel for the respondent/accused. I have also perused the paragraphs (f) and (h) of the Anticipatory Bail Application filed by the respondent/accused. There may be some incorrect statements made in the application or some incorrect facts that might have

been recorded by the learned Judge in the order, however, I do not find that such facts have any bearing over the finding of the learned Judge.

5. Hence, the application is rejected.

(MRIDULA BHATKAR, J.)