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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.904 OF 2017

Mohammed Ashfaq Chhawaniwala	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.S.C.Wakankar, for the Applicant.

Mr.S. R. Agarkar, A.P.P for the Respondent-State

P.I – P.B.Tawde, Charkop Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th JUNE, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 253 of 2016 registered with the Charkop Police Station, Mumbai, for the alleged offences punishable under Sections 468, 420, 470, 471 of the Indian Penal Code and under Sections 81 and 82 of the

Registration Act.

3. Learned Counsel for the applicant submits that the property at Kandivali, which is the subject matter of the dispute was owned by the Vaity family and the D'Souza family. He submitted that as far as the Vaity family is concerned, they had sold the land to the applicant by a registered Sale Deed dated 18th December, 2013. He submits that as far as the D'Souza family is concerned, the said family consisted of two persons Michael and Samuel and their legal heirs. He submitted that the applicant had handed over a draft Sale Deed to Michael D'Souza for taking the photographs and signatures of the respective family members (consisting of about 30 members). He further submitted that from 27th November, 2013 till 2nd September, 2014, Michael D'Souza's family members attended the registration office and confirmed the sale, however, neither Samuel D'Souza nor his family members remained present and attended the Sub-Registrar's office for registration of the Sale Deed. He submitted that therefore the Sale Deed was registered only with respect to those who attended the Sub- Registrar's Office, admitting the execution of the Sale Deed. He further relied on page 41 of the application column 14 (shera)

which reflects that persons from serial No. 12 to 15 and 20 to 30 had not attended the Sub-Registrar's Office. He submitted that in the facts, no offence is disclosed qua the applicant. He further submits that the documents are in the custody of police and hence, custodial interrogation of the applicant is not necessary.

4. Learned A.P.P does not dispute the fact that the original documents are in the custody of the police. He states on instructions, that the applicant has reported to the Investigating Officer of the concerned Police Station, as directed by this Court vide order dated 13th June, 2017.

5. Considering the aforesaid, the interim protection granted vide order dated 13th June, 2017, is confirmed. The application is accordingly allowed and the applicant is granted pre-arrest bail in connection with C.R. No. 253 of 2016 registered with the Charkop Police Station, Mumbai, on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two

sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie* and are confined to this application.

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

(REVATI MOHITE DERE, J.)