

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

ANTICIPATORY BAIL APPLICATION NO. 482 OF 2018

Harun M. Beg.

...Applicant.

Vs.

The State of Maharashtra

...Respondent.

Mr. Kuldeep Nikam for the Applicant.

Mr. Amit Palkar, APP. for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE 26th November, 2018

PC :

1. By a reasoned Order dated 26th March, 2018 the applicant was granted interim relief.
2. The record indicates that, after the applicant performed the marriage with the first informant, her name was changed from Kumari Kajal Vinod Gavali to Sana Harun Beg and the same is published in Maharashtra Government Gazette on 6.12.2017. A copy of the said gazette is annexed at Page 20 to the present application. It is the prosecution case that, the applicant under the pretext of preparing music album got executed an affidavit and other documents from her and by taking undue advantage of

the said documents, the said Gazette notification is published.

The learned counsel for the applicant submitted that, as a matter of fact, there was love affair between the applicant and the first informant and it is only after he punished an advertisement thereby congratulating the informant in the local newspaper, at the behest of the family members of the informant the present crime is registered.

3. The record indicates that, in this case, the present crime is solely based on the documents. The investigating agency can seize the relevant documents from the concerned department of Government of Maharashtra by adopting the appropriate proceeding. The record further prima facie indicates that, there was a constant communication between the applicant and the first informant on mobile phone and the first informant by her messages has responded to the applicant in positive manner.

4. In view of the above and after taking into consideration the peculiar facts of the present case, this Court is of the considered view that, custodial interrogation of the applicant for further investigation of the present crime is not necessary.

5. The interim relief granted by Order dated 26.3.2018 is confirmed.

However, the applicant is directed to attend the Investigating Officer as and when called for between 10.00 a.m. to 1.00p.m. and to join the process of investigation till the submission of final report.

Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)