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

ANTICIPATORY BAIL APPLICATION NO. 525 OF 2017

Shailesh Devappa Gowda

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Shirish Gupte, Senior Advocate a/w Racheeta Dhru for Applicant.

Ms. A.A. Takalkar, APP for State.

Mr. Sudhir Dalvi, P.I. Kandivali Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 5th FEBRUARY 2018.

P.C.:

1] By an Order dated 29th March 2017, the applicant was granted interim relief.

2] Heard the learned Senior Counsel for the applicant and the learned APP. Perused the record of investigation.

3] The first information report is lodged by Mr. Imran Nasim Mansuri. It is the prosecution case that, the first informant and accused No.3 Tula Baig about four years prior to the date of incident purchased a plot of land admeasuring five ares situated near Arya Bhaskar ground, Goregaon (East), Mumbai, from a person namely Mr.Swami by paying a

consideration of rupees one crore. It is stated that, subsequently Tula Baig has started selling the said land to other persons without intimating the first informant. In a compromise it was agreed that, the first informant Imran Mansuri will pay Rs.60.00 lakhs to Tula Baig and therefore the applicant has been brought in as a partner who in turn paid Rs.60.00 lakhs to Tula Baig. That Tula Baig stopped coming to the said plot of land. It is alleged that, Tula Baig has also taken Rs.35.00 lakhs from Ms. Shenaz M. Khan and therefore she was staying in a house constructed on the said plot of land. It is stated that prior to the date of incident, the applicant visited the first informant with a proposal for finalizing the price of the land which the applicant was ready and willing to pay to the first informant. It is alleged that on 3.1.2017 at about 11.00 a.m when the first informant and Ms. Shenaz Khan were sitting in the house constructed on the said plot of land, the accused No.3 Tula Baig, his son Akhtar Baig, his nephew Sibab Baig alongwith seven to eight other persons started assaulting Ms. Shenaz Khan with the aid of iron rod, wooden sticks and chopper and when the first informant tried to rescue Smt.Shenaz Khan, accused Tula Baig and Akhtar Baig assaulted him. In the premise the first information report is lodged.

4] It appears from the record that the applicant has invested a sum of Rs.60.00 lakhs towards purchase of said plot of land at the instance of the first informant. It prima facie appears that, the applicant was not having any animosity, either with the first informant or with Smt. Shenaz Khan and it is the accused Tula Baig who was interested in the said property as stated in the first information report and was indulging into selling the property to various persons. Though it is alleged by the prosecution that, at the instance of the applicant the said assault was committed by Tula Baig alongwith other accused persons, prima facie it appears that the applicant has no role to play in the present crime..

5] After perusing the record of investigation, this Court is of the view that the applicant deserves to be protected by pre-arrest bail.

6] In view thereof, interim relief granted by an Order dated 29th March 2017 is confirmed. However, the condition to attend the Investigating Officer/concerned Police Station is hereby waived.

7] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)