

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.991 OF 2018

Shabbir Subhanali Khan, Age 59 years,
Occ.Business, R/o.Four Shore `B' Wing,
402, Juhu Tara Road, Mumbai-400 049.

Applicant

versus

The State of Maharashtra

Respondent

Mr.S.R.Gaud for applicant.

Mrs.G.P.Mulekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 31st August 2018

PC :

1. This is an application for anticipatory bail in connection with CR No.182 of 2015 registered with Bandra Police Station for offences under Sections 465, 467, 468, 471, 420 read with Section 34 of Indian Penal Code.

2. The FIR was lodged by Smt.Farah Ahmad Dibba. The co-accused Bashir Yashin Shaikh was arrested and he has been granted regular bail by the Court. Police have also filed charge sheet against the arrested accused. While granting interim bail on 17th May 2018, this Court had observed that the alleged incident had occurred in the year 2007, whereas FIR was lodged in 2015. The averments made in the complaint spells out that the dispute is of civil nature. It was further observed that while dealing with the application for bail preferred by Bashir Shaikh, the Sessions Court has observed that the dispute is of civil nature and application for bail of the said accused

was allowed. The applicant had earlier attended the investigating officer after interim order was passed by this Court.

3. Learned APP submits that custodial interrogation of the applicant is required to recover the alleged Memorandum of Understanding between the accused persons and complainant of 2011. It is submitted that the said document is false and fabricated. The alleged document is also purported to have been signed by the accused who is already arrested and was in custody of police and was subsequently granted bail. The said document could not be recovered by police.

4. Considering the nature of allegations and considering the fact that FIR was lodged after a period of about seven years, case for grant of anticipatory bail is made out. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.991 of 2018 is allowed and disposed off;
- (ii) In the event of arrest of applicant in connection with CR No.182 of 2015 registered with Bandra Police Station, the applicant be released on bail on furnishing PR bond in sum of Rs15,000/- with one or more sureties in the like amount;
- (iii) The applicant to attend the investigating officer of Bandra Police Station once in a week on every Saturday between 10 am and 12 noon till filing of charge sheet;

(PRAKASH D. NAIK, J.)