

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

CRIMINAL BAIL APPLICATION NO.2647 OF 2018

Anwar Hajimullah Ansari

.. Applicant

Vs.

State of Maharashtra

.. Respondent

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Mr.Momin Mohd. Farooque Nisar a/w. Mr.Gautam Jain, Advocate
for the Applicant.

Mr.R.M. Pethe, APP for the Respondent – State.

Mr.R.P. Mayave, PI, Shantinagar Police Station, Bhiwandi, District
– Thane, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : NOVEMBER 30, 2018.

P.C. :

The applicant is seeking bail in connection with C.R.No.I-289 of 2017, registered with Shantinagar Police Station, Bhiwandi, District-Thane, for the offences punishable under Sections 420, 468, 471, 465 and 467 of Indian Penal Code (“IPC”, for short). The applicant was arrested on 24th April, 2018.

2 The case of the prosecution is that the property belonging to the owners was purportedly shown to have been sold by Chaturbhai Patel to the purchaser by impersonating

Chaturbhai Patel. It is alleged that the bank account was opened for depositing the consideration which was received in the transaction. Person who have purchased the said property by executing the said documents are also impleaded as an accused. The role attributed to the applicant is that he had introduced one of the accused, as Chaturbhai Patel, while obtaining the bank account. The co-accused Suresh Shankar Sawant had impersonated as Chaturbhai Patel and executed disputed documents of sale of the property. The account opening form indicates that the applicant has introduced the said accused. This account was utilized for routing amount received from the purchasers.

3 Learned counsel for the applicant submitted that the only role that has been assigned to the applicant is introducing co-accused Suresh Shankar Sawant, as Chaturbhai Patel. It is submitted that there is nothing on record to indicate that the applicant was knowing the co-accused Savant, as having same identity and despite of knowledge and the fact that he is impersonating Chaturbhai Patil, he was introduced while opening the bank account. It is submitted that the co-accused had shown Pan Card and other documents with regards to his identity while

opening bank account and the applicant had believed the said documents and introduced him. The applicant is not beneficiary of the said transaction. No amount has been transferred into his account. He is in custody from the date of his arrest.

4 Learned APP submitted that the bank account is an important factor in the said transaction, as the consideration received from the said transaction is deposited in the said bank account. It was opened in the name of Chaturbhai Patel, who had died in 1987. It is submitted that the material on record indicate that the applicant had a knowledge that the co-accused is impersonating Chaturbhai Patel. Learned APP also pointed out the bank account opening form. It is mentioned that the applicant knows Chbaturbhai Patel since last 10 years and confirm his identity. Learned counsel for the applicant, however, submitted that he is illiterate person. It appears from the form that blank column was filled up subsequently mentioning aforesaid fact.

5 Be that as it may, the role attributed to the applicant is to introduced the co-accused who has impersonated as Chaturbhai Patel. Applicant is not party to the fabricated documents. It does not appear that the applicant has received any

consideration or any amount has been transferred into his account. He is in custody from the date of arrest. Investigation is completed and charge - sheet is filed. Case for grant of bail is made out.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.2647 of 2018, is allowed;
- (ii) Applicant in connection with C.R.No.289 of 2017, registered with Shantinagar Police Station, Bhiwandi, District-Thane, he be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall report the investigating officer of Shantinagar Police Station, Bhiwandi, District-Thane, once in a month on first Saturday of the month between 10:00 a.m. to 12:00 noon;

- (iv) Applicant shall not tamper with the evidence and shall attend the trial Court regularly on the date of hearing regularly, unless exempted by the Court;
- (v) Bail Application No.2647 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)