

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.360 OF 2019

Mohammed Ali Shaukat Ali Khan & Ors.] ... Applicants
Versus
The State of Maharashtra.] ... Respondent

Mr. M.K. Kocharekar i/b Mr. Sufian for Applicants.
Smt. A.A. Takalkar, APP for State.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 06 JUNE, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with C.R.No.327/2018 registered with Taloja Police Station u/sec. 408, 447, 448, 451 r/w 34 of I.P.C.
2. The FIR is lodged by one Mohammed Wasim Mohammed Naseem Farooqui. It is his case that he is residing at Kurla and he was dealing in business of selling scrap material. He has his business at Darukhana Kolsa Bunder and at Adivali Kiravali. Since he was not keeping well he had closed his business and he had kept a caretaker in his land at Adivali Kiravali, Post Taloja, Taluka Panvel, District Raigad.

The caretaker's name was Bashir Khan Mehboob Khan Pathan. It is his case that in September 2018, the first informant came to know that said Bashir Khan had give possession of that property to someone else. Therefore, the first informant tried to make inquiries and tried to find out whereabouts of the said Bashir Khan. But he was unsuccessful. He found out that the said Bashir Khan had given possession to the present applicants and had also sold scrap material weighing about 15,300 k.g. On these basis he lodged FIR.

3. Heard Mr. M.K. Kocharekar, Ld. Counsel for Applicants and Smt.A.A. Takalkar, Ld. APP for State.

4. The present applicants are apprehending their arrest in connection with this offence because they had purchased the said property from the said Bashir Khan through registered sale deed. In the sale deed the name of seller was mentioned as Afroz @ Afrojaha Bashir Khan, i.e. wife of the main accused Bashir. Thus, the said Bashir Khan had projected himself to be the owner of the said property. The applicants have paid Rs.20 Lakhs for the purchase of that property.

5. Thus, at present, the applicants themselves appear to be the possible victims of the offence as the land was sold to them by the person who had no authority over the said land. They have lost the money and they may not have legal title of the property. In this view of the matter, the applicants have made out a case of grant of anticipatory bail. Hence, the following order.

ORDER

1. In the event of their arrest in connection with C.R. No.327/2018 registered with Taloja Police Station the Applicants be released on bail on their executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.

2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)