

Dond

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

ANTICIPATORY BAIL APPLICATION NO. 585 OF 2019

Arif Inam Shaikh & Anr.

..Applicants

Vs

The State of Maharashtra .

..Respondents

Mr. S.R. Samel a/w P.K. Sanghrajka I/b Rajeev Sawant & Associates for Applicant.

Mr. R.M. Pethe, APP for State.

Mr. Sachin Karanjkar, PSI, D.B. Marg Police Station is present.

CORAM : A.S.GADKARI, J.

DATE : 28th March 2019.

P.C.:

1] The applicants are apprehending arrest in CR No. 33 of 2019 dated 20.2.2019 registered with D.B. Marg Police Station, Mumbai under Section 453 read with 34 of the Indian Penal Code.

2] Heard the learned counsel for the applicants and the learned APP. Perused the record of investigation.

3] The first information report is lodged by Shri Chandraprakash Sukhija. It is the prosecution case that, the suit property was handed over to him in furtherance of orders passed by the Small Causes Court, Mumbai and the Officer appointed by the concerned Court had given possession of it

to him on 29.1.2019. That on 20.2.2019 when the first informant had been to the said place, he found that the lock fixed on the door of the said premises by him was broken open and somebody had taken possession of the said premises. In the premise he first information report is lodged.

During the course of investigation, the applicants were found in possession of the said premises and the applicant No.1 produced tenancy agreement entered into between the informant and the applicant No.2. The applicant No.1 has already surrendered before the Investigating Agency.

4] The record indicates that, the alleged bogus tenancy agreement has been prepared by the applicant No.1 and the applicant No.2 has no direct role in preparing it. It appears that, the applicant No.2 is the wife of the applicant No.1 and she meekly followed the applicant No.1 for getting residential premises. In view thereof, the applicant No.2 can be protected by pre-arrest bail.

5] Hence, the following Order:-

(a) The application of the applicant No.1 Arif Inam Shaikh is disposed off as infructuous.

(b) The applicant No.2 Mrs. Zoya Arif Shaikh is granted pre-arrest bail on the following terms:-

(i) In the event of arrest in CR No. 33 of 2019 registered with D.B. Marg Police Station, Mumbai, the applicant No.2 Mrs. Zoya Arif Shaikh shall be released on bail on her furnishing PR bond in the sum of Rs.25,000/- with one or two solvent local sureties.

ii] Applicant No.2 shall not tamper with the evidence and/or influence the prosecution witnesses.

6] Application is partly allowed in the aforesaid terms.

(A.S.GADKARI, J.)