

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 692 OF 2018**

Mohammed Anwar Pawar .....Applicant.

Vs.

The State of Maharashtra & Ors. ....Respondents.

**WITH****ANTICIPATORY BAIL APPLICATION NO. 693 OF 2018**

Aasif Anwar Pawar .....Applicant.

Vs.

The State of Maharashtra & Ors. ....Respondents.

Mr. Aditya Bhatt I/by Bespoke Legal for the Applicant.

Mr. Ajay Patil APP, for the Respondent-State.

Mr. Sunny Punamiya I/by SSP Legal and Co. for Respondent No.3.

**CORAM : A. S. GADKARI, J.**

**DATE : 18<sup>th</sup> MARCH, 2019.**

**P.C.:-**

By an Order dated 11<sup>th</sup> April, 2018, the Applicants were granted interim relief and were directed to attend the Investigating Officer on the stipulated dates, to co-operate in the process of investigation.

2 Heard the learned counsel for the Applicants, the learned

counsel for the first informant and the learned APP. Perused the record of investigation. The learned APP submitted that the Applicants have attended the Investigating Officer on stipulated dates and have joined and co-operated in the process of investigation.

3           At the outset, it is to be noted here that both the documents mentioned in the first information report i.e. dated 13<sup>th</sup> February, 2002 and 3<sup>rd</sup> March, 2006 are genuine documents. It is the allegation against the Applicants that, they along with co-accused despite knowledge that on 3<sup>rd</sup> March, 2006, the saleable component available on the plot was 1585.33 square meters and not 1986.60 square meters induced the informant to invest huge amount in development of the said property. The dispute inter-se between the parties is pertaining to the difference of the said FSI which allegedly has substantial commercial value in the market at the said place. In pursuance of the agreement dated 9<sup>th</sup> July, 2007, the informant has undertaken the said project for further development by investing substantial amount. It is the further case of the informant that, on a particular date the Applicants along with the other co-accused persons forcefully took possession of the suit Property and has caused monetary loss to the informant, as he could not complete the said

project and sell the saleable components in the open market.

5           After perusing the entire record, *prima facie*, it appears that a case under Section 452 of the IPC at the most is made out. The rest of the investigation of the present crime is solely based on the documents, for which the custodial interrogation of the Applicants for further investigation is not necessary.

6           In view of above, the interim relief granted by an Order dated 11<sup>th</sup> April, 2018 is confirmed. However, the condition to attend the Investigating Officer is waived.

Applications are allowed in the aforesaid terms.

**(A.S. GADKARI, J.)**