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

ANTICIPATORY BAIL APPLICATION NO.1672 OF 2019

Sabiha Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr.Subhash Jha a/w Ms.Sanjana Pardeshi, i/b Law Global, for the Applicant.

Mr.Shashikant Chaudhari, Original Complainant in-person, is present.

Mr.S.S.Hulke, A.P.P for the Respondent - State.

API – Prakash Lahane, Borivali Police Station, Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 30th JULY, 2019

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.125 of 2016 registered with the Borivali Police Station, Mumbai, for the alleged offences punishable under Sections 406,

420, 465, 466, 467, 471, 473, 199, 200, 205 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that this Court vide order dated 23rd July, 2019, had confirmed the interim protection granted to the applicant therein i.e. Sunil Kumar Ganga Sharma, in view of the statement made by the learned APP on instructions that charge-sheet was filed in the said case and that the custody of the applicant therein was not required. He submits that the charge-sheet has also been filed as against the present applicant.

4. The complainant who appears in person vehemently opposes grant of any relief. He submits that there are allegations of forgery and fabrication of documents as against the applicant.

5. Learned APP states that the charge-sheet has been filed even against the present applicant, as per the directions of the Division Bench.

6. Perused the papers. It is not in dispute that this Court vide

order dated 23rd July, 2019, confirmed the interim protection granted to the co-accused – Sunil Kumar, in view of the statement made by the learned APP, on instructions, that the charge-sheet was filed in the said case and that the custody of the applicant - Sunil Kumar was not required. It is not in dispute that charge-sheet has also been filed as against the present applicant.

7. Considering the aforesaid, the custodial interrogation of the applicant is not warranted. The application is accordingly allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.20,000/- with one or two local sureties in the like amount ;

(ii) The applicant shall co-operate with the Investigating Agency.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.