

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

ANTICIPATORY BAIL APPLICATION NO. 930 OF 2020

Eqbal Qasam Meman
and Ors.

...Applicants

V/s.

The State of Maharashtra

...Respondent

ALONGWITH

**INTERVENTION APPLICATION NO. 1466 OF 2020
IN
ANTICIPATORY BAIL APPLICATION NO. 930 OF 2020**

Eijaz Akbar Ali Shaikh

...Intervenor

IN THE MATTER BETWEEN :

Eqbal Qasam Meman
and Ors.

...Applicants

V/s.

The State of Maharashtra

...Respondent

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Mr. Rohan Surve i/by. Ms. Sanna S. Gazi, Advocate
for the applicant in ABA-930-2020.

Mr. Ashish Shukla, Advocate for the intervenor in

IA-1466-2020.

Mrs. Anamika Malhotra, APP for State.

ASI, Mr. P.T. More, from Virar Police Station present.

CORAM : SANDEEP K. SHINDE, J.

Tuesday, 22nd December, 2020.

P.C. :

1. Heard learned Counsel for the applicants and learned APP for State.

2. Apprehending arrest in connection with Crime No.I-240/2020 registered with Virar Police Station for the offences punishable under Sections 504, 506, 120B of the Indian Penal Code, the applicants are seeking pre-arrest bail.

3. Applicants are sons and daughters of Qasam Meman. He is 85 years old person. Applicants and their father are living in neighbourhood. Ejaj, a small time vendor, is the complainant. Accused no.6 introduced, Ejaj to Qasam Meman. Ejaj was in search of a piece of land. Accused no.6 told him, father of applicant intends to sell land bearing no. 14/1/1 admeasuring 20 gunthas. That since Ejaz was not in need of large piece of land, he proposed that he would purchase 12 gunthas and for the remaining land, he may approach the potential buyers. Accordingly, the deal was settled and Rs.20,40,000/- were paid to Qasam Meman, father of the applicant. Later, when the complainant was insisting for title-deeds, the

sale-deed was sent to his house in respect of the land bearing no.94/1/1. When the deed was verified, the complainant found Qasam was not holding the title of the subject land, but the State of Maharashtra owns the land. The 7/12 extract at page-42 shows, State of Maharashtra, is owner of the subject land, which the father of the applicant attempted to dispose off. I have perused the sale-deed. It is at page-36 of the paper-book filed by the complainant. It shows, one Manoj Shankar Dhodi and others as vendors and the complainant as its purchasers. After verifying these documents, complainant lodged complaint against Qasam, his sons and daughter.

4. The learned Counsel for the applicant, would contend that, applicants are not at all concerned with the transaction allegedly executed by his father with the complainant. It is further submitted, the receipt executed by his father, which is at page-24 of the paper-book filed by the Intervenor does not disclose their presence while receiving the amount by their father. It is therefore contended that it is a case of false and over implication by the complainant.

5. It may be stated that applicant's father is 85 years old person. He and the applicants are living in neighbourhood. So far as contention that, applicants are not concerned or connected to the alleged transaction is concerned, Counsel

for the complainant has placed on record, the transcription of conversation between the applicant no.4 and the complainant. Applicant no.4 is daughter of Qasam Meman. I have perused the transcript. It clearly suggests, that applicant no.4 was aware and knew the transactions executed by her father with the complainant. Infact, the conversation also shows, the complicity of the applicant no.4 in the transaction of the subject land. Thus, when Counsel was confronted with this piece of evidence, on instructions, he submitted that, this may be in relation to other transactions. However, such “other transactions” has not been brought on record.

6. A fact cannot be ignored, that the father of the applicants is 85 years old person. The attendant circumstances on record, clearly suggests that the transaction was not executed by Qasam alone.

6. It may be stated that, here the applicants and their father attempted to dispose off the land belonging to the State. The accusations are therefore serious in nature. The evidence on record, *prima-facie*, shows the complicity of the applicants in the crime. Thus, it is not a case to grant pre-arrest protection to the applicants. Gravity of offence, therefore warrants custodial interrogation. The application is therefore rejected.

7. It may be stated that, when this application was heard on 21.12.2020, the applicants were suggested to return money to the complainant, who is a small time vendor. However, suggestion has not been accepted and therefore heard the applicants on merits.

8. It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of rejecting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)