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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 580 OF 2021

WASI WALID RAISAPPLICANT

V/s.

THE STATE OF MAHARASHTRARESPONDENT

WITH

INTERIM APPLICATION NO. 945 OF 2021

IN

ANTICIPATORY BAIL APPLICATION NO. 580 OF 2021

NAWALKISHORE LALCHAND SONIAPPLICANT

IN THE MATTER BETWEEN

WASI WALID RAISAPPLICANT

V/s.

THE STATE OF MAHARASHTRARESPONDENT

WITH

ANTICIPATORY BAIL APPLICATION NO. 445 OF 2021

OWAIS ABDULLAH KHANAPPLICANT

V/S.

THE STATE OF MAHARASHTRARESPONDENT

WITH

INTERIM APPLICATION NO. 946 OF 2021

Patel purchased property for a certain consideration. Such property was thereafter transferred by accused Shabib in his individual name by executing various deeds to which both applicants are shown to be witnesses.

3] Learned counsel for the applicants submits that serious role is not attributed to the applicants. It cannot be inferred from the F.I.R. that they are named with any serious attributions. According to him, the only role that could be inferred against the applicants is, witnesses to the documents which are executed by accused Shabib. He would claim that applicants being witnesses to the documents which are formed to be basis for registration of offence cannot be inferred to be party to the contents therein.

4] Learned APP opposed the prayer for grant of bail on the ground that accused Shabib is absconding and against one of the applicant namely Wasi Walid Rais offence being C.R. No. 581/2020 punishable under Sections 420, 406, 409, 467, 468, 471, 477-A r/w 34 of the Indian Penal Code is already registered.

5] I have considered the aforesaid submissions.

6] Applicants, being witnesses to the various documents which are lodged for registration at the behest of accused no. 1 Shabib is not a fact in dispute.

7] The status of the applicants in such an eventuality in the capacity of witnesses to the document cannot be stretched to the extent they being also party to the contents of the documents. All that can be said that they have witnessed the execution of the document and cannot be termed as party to the contents.

8] In the aforesaid background, the claim that applicants are also involved in the crime in question cannot be inferred.

9] Applicant Wasi Walid Rais is already ordered to be released on pre-arrest bail on 02/03/2021 in Anticipatory Bail Application No.

493/2021 by this Court.

10] In the aforesaid background, considering the role attributed to the applicants, material available on record, in my opinion, applicants deserve to be released on pre-arrest bail on following conditions:

(i) In the event of arrest of the applicants in C.R. No. 106 of 2020 registered with Wagle Estate Police Station for offence punishable under sections 420, 409, 467, 468 and 471 of the Indian Penal Code, they be released on bail on furnishing P.R. bond in the sum of Rs. 25,000/- each with one or more sureties in the like amount.

(ii) Applicants shall neither influence prosecution witnesses in any manner nor tamper with evidence.

(iii) Till the charge-sheet is submitted, applicants shall, initially for two weeks, appear before Investigating Officer on every Wednesday between 10.00 a.m. to 12.00 noon and thereafter on every

Monday between 10.00 a.m. to 12.00 noon or as and
when directed.

11] Applications alongwith intervention applications stand disposed
of.

[NITIN W. SAMBRE, J.]