

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.275 OF 2016

Asif Akbarali Mulji

Applicant

versus

Ram Milan Raja Ram Barma and others

Respondents

None for applicant.

None for respondent nos.1 and 2.

Mr.S.R.Agarkar, APP, for State.

PSI Sunil Gade, Oshiwara Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 13th August 2021

PC :

1. This is an application for cancellation of anticipatory bail granted to respondent nos.1 to 3 vide order dated 4-11-2015. The applicant is original complainant. Private complaint was filed before the Court of learned Magistrate. Directions were issued u/s.156(3) of Code of Criminal Procedure. The complainant contends that on account of non action by the Police, he preferred writ petition in the High Court and liberty was granted to the applicant to give a statement before Police. Thereafter FIR was registered vide MECR No.21 of 2015 on 17-10-2015 for offences under Sections 420, 452, 465, 466, 468, 471 r/w 34 of Indian Penal Code. It was alleged that accused had fabricated documents and colluded with SRA and MHADA authorities by declaring some members as eligible for permanent alternate accommodation.

2. The respondents preferred application for anticipatory bail before the Court of learned Additional Sessions Judge, Mumbai. The said application was allowed vide order dated 4-11-2015. The order

indicate that respondents-accused, prosecution as well as intervenor were heard and on certain terms and conditions the application was allowed.

3. While allowing the application learned Judge has analyzed the factual aspects and assigned reasons for allowing said application. It was observed that case relates to documentary evidence. Majority of the documents are in custody of Investigating Officer. The applicants are willing to co-operate with investigation. They are not having any criminal antecedents. Their custodial interrogation is not necessary.

4. The contention of applicant-complainant in the present application is that impugned order granting anticipatory bail is required to be set aside. The accused were involved in fabricating documents. The documents were not recovered.

5. Learned APP submitted, on instructions from the officer who is present in Court, that the FIR was registered in 2015 and on completing investigation charge sheet is filed against accused.

6. The impugned order was passed on 4-11-2015. It is apparent that investigation was completed and charge sheet was filed. The impugned order indicate that learned Judge has taken into consideration all the factual aspects and gave reasons for allowing said application. Hence, no case is made out to interfere in the impugned order. Hence, Criminal Application is rejected.

(PRAKASH D. NAIK, J.)

MST