

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

ANTICIPATORY BAIL APPLICATION NO. 1430 OF 2021

Afroj Khan ... Applicant

Versus

The State of Maharashtra ... Respondent

.....

Mr. Ganesh Dalvi i/by Mr. Amol Jawale, Advocate for the Applicant.
Mr. R. M. Pethe, APP for the Respondent – State.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 28th SEPTEMBER, 2021

PER COURT:

1. This is an application for pre-arrest bail in C.R. No.67 of 2021 registered with Naupada Police Station, Thane for offences under Sections 420, 465, 467, 468 & 471 of Indian Penal Code (for short “IPC”). The First Information Report (for short ‘FIR’) was registered on 10th March, 2021.

2. The case of the complainant is that the applicant had applied for permission to erect the hoarding and no objection was purportedly issued by Ramchandra Sadashiv Parab and Waman Parab. It was submitted that, both the persons were dead at the relevant time.

3. The contention of the applicant is that the applicant is not involved in forgery. The applicant is in business of hoarding

and advertising. In December, 2019 Mr. Srinivas Gudala had approached with business proposal being owner of the property situated at Survey No. 143, Plot No. 29, Gala No. 01/16, Kopari Road, Anand Nagar, Thane (East) along with documents. The applicant and Mr. Gudala agreed for entering into an agreement of Leave and License on monthly rent of Rs.50,000/- towards permission to construct hoarding. Leave and license agreement was executed. The applicant had called for the property card from Mr. Gudala for applying permission to Thane Municipal Corporation for putting up hoarding. He represented that Ramchandra Sadashiv Parab and Waman Parab are landlords. Mr. Gudala obtained NOC from the landlords and then applicant had applied for permission to Thane Municipal Corporation. He had also informed to Thane Municipal Corporation that he is ready to remove hoarding.

4. Learned APP submitted that the documents are not genuine. Applicant had relied upon false and fabricated documents. Hence, custodial interrogation is necessary.

5. I have perused the documents. The metal frame and construction were demolished. According to the complainant he had incurred expenses for erecting the hoardings. The applicant had cooperated with the investigation. The statement was

recorded. Considering the nature of allegations and the factual aspects of this matter, the applicant need not be subjected to custodial interrogation.

6. Hence, I pass the following order:

ORDER

(i) Anticipatory Bail Application No. 1430 of 2021 is allowed;

(ii) In the event of arrest of the applicant in connection with C.R. No.67 of 2021 registered with Naupada Police Station, Thane, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall attend the investigating officer as and when called for.

(iv) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)