

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

ANTICIPATORY BAIL APPLICATION NO.1432 OF 2021

Mrs.Meenaz Mohammed Farhad Shaikh Applicant
versus
State of Maharashtra Respondent

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- Mr.Vikas Shivarkar, Advocate for Applicant.
- Smt.Veera Shinde, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 21st JUNE, 2021
(Through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.26/2021 registered with Kondhwa Police Station, Pune, on 12/01/2021, under sections 420 r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Kausar Rafiq Shaikh. She has stated that in the year 2018, she was in need of house on rent. One Nasrin Farukh Kumthe, who was the a real estate agent, met her and told the her that she was aware of availability of one flat on rent. She took the informant to one Almas Jakir

Khan. Almas is the sister of the present Applicant. Almas told the informant that one Gafar Shaikh and the present Applicant have a common flat at Saibaba Nagar, Kondhwa and that they wanted to rent it out on heavy deposit. The informant went to see the flat. She liked it. On 25/11/2018 they executed a document on stamp paper. It was notarized. The Applicant took Rs.2,70,000/- as deposit. The FIR mentions that the amount was taken by Almas Khan, Jakir Khan and the present Applicant. The flat was to be vacated after 36 months. However, after two years, Almas approached the informant and told her that she wanted Rs.80,000/- for treatment of her mother. She told the informant that other tenants were to occupy that flat and that informant should vacate it. The informant vacated the flat. But she was not returned her deposit. After that none of the accused was available and therefore this FIR was registered. In the FIR it is mentioned that there were other victims from whom, the deposit was taken and flat was given. They were made to vacate it before the period agreed upon was over.

3. Heard Mr.Vikas Shivarkar, learned counsel for the Applicant and Smt.Veera Shinde, learned APP for the State.
4. Mr.Shivarkar submitted that the Applicant has not played any role. Offence is committed by her sister Almas. The Applicant's name cropped up as her sister represented that the Applicant was a co-owner. Significantly in case of no other victims, the Applicant had played any part.
5. Learned APP submitted that the flat was not belonging to the Applicant but was belonging to one Abdul and therefore the entire transaction was fraudulent. Learned APP fairly accepted that other than the informant, none of the victims has mentioned any active role played by the Applicant.
6. I have considered these submissions. As far as the first informant is concerned, representation was made by the Applicant's sister. The informant was made to vacate the flat one year before the period was over. But the representation for that

was made by Almas and not by the present Applicant. As far as other victims are concerned, as admitted by learned APP, the Applicant has not played any major role. In this view of the matter, her custodial interrogation is not necessary. She can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.26/2021 registered with Kondhwa Police Station, Pune, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)