

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.2254 OF 2019**

Mansuri Salim Juma

.. Applicant

Versus

The State of Maharashtra

.. Respondent

...

Mr.H.I. Sirguroh i/b Adv. Moinuddin A. Khan for the applicant.

Mr.S.H. Yadav, APP for the State.

**CORAM: BHARATI DANGRE, J.**

**DATED : 4<sup>th</sup> SEPTEMBER 2021.**

**P.C:-**

1           The applicant is admitted to pre-arrest bail on 15<sup>th</sup> October 2019 on the basis that the co-accused Ramesh Rathod was also admitted to interim protection. It is informed by the learned APP that in favour of Ramesh Panchal, interim protection is made absolute. The applicant was directed to attend the police station on 26<sup>th</sup> and 27<sup>th</sup> October 2019 and the submission of the learned counsel is to the effect that he had complied with the said direction. Learned APP do not deny the said statement.

2           Perusal of the complaint lodged by one Ashok Surve would reveal that he along with the son who was employed in Dubai was in search of a piece of land. They were acquainted with one Khichdu Yadav who initiated a search of a parcel of land for the complainant and one Rama Tiwari, and it was informed that land from CTS Survey No.15 was in the name of Khichdu

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Yadav, Gyan Prakash Sharma and the present applicant along with one Ramesh Panchal which was located in village Dharavali. A Memorandum of Understanding was drawn between the complainant and his son on one hand and the accused persons on 16<sup>th</sup> June 2016 which was signed by the respective parties. The further allegation is as a consideration as mentioned in the MOU, the applicant and Rama Shankar Tiwari parted with an amount of Rs.21,50,000/- by issuing a cheque to Khichdu Yadav and cash of Rs.20 lakhs was also paid. The allegation is though an amount of Rs.41,50,000/- was received, but the land was not made available, and therefore, they have been duped of the said amount. This resulted in registration of the C.R.

3           When the FIR is perused, it is not the allegation of the complainant that the applicant is in receipt of any amount from the complainant or Rama Tiwari. The entire amount is gone to the Accused no.1 Khichdu Yadav. In such circumstances, the custodial interrogation of the applicant is not warranted and therefore, interim protection granted in his favour is made absolute subject to the stipulation that he will continue his co-operation to the Investigating Office, by reporting to the police station as and when called for.

Application is allowed in aforesaid terms.

**SMT. BHARATI DANGRE, J**