

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.564 OF 2022

1. Sayyed Rajjak s/o Sayyed Jafar
 2. Sayyed Rais s/o Sayyed Jafar
- ... Applicants

Versus

The State of Maharashtra

... Respondent

...

Mr. M. P. Kale h/f Mr. S. S. Solanke, Advocate for applicants.
Mr. V. M. Kagne, APP for the respondent – State.

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 06.05.2022

ORDER :-

- . Heard learned Advocate for the applicant.
2. Learned APP strongly opposes the application for grant of any interim relief. He submits that the matter is coming for the first time and he is yet to receive the police papers, however, taking into consideration the role attributed to the applicants in the First Information Report, interim protection need not be granted.
3. Perusal of the FIR would show that it has been lodged by one Aminujma Khalikhujma Sayyed, who is Waqf Officer at Beed. He is serving with Waqf Board Maharashtra State since 2013. It is stated that

land belonging to the Waqf Board bearing survey No.36, 37Ksh, 9Dn admeasuring 44 Acre 8 Gunthas situated at Nitrood, Tq. Majalgaon is entered in the Government Resolution dated 14.02.1974 as Khidmat Mash land. According to him, still the then Deputy Collector had passed an illegal order on 31.03.1982 abolishing it under Hyderabad Inam Abolition Act and, thereafter, a certificate came to be issued on 11.06.2013, which is a fabricated document about NOC for selling the Khidmat Mash land. It is stated that by mutation entry, 10 named persons in the FIR have got the land named in their favour vide M.E. No.7970 and, therefore, it is cheating, criminal breach of trust, fabrication of documents and also offence under the Waqf Act.

4. The present applicants are the sellers of the land. The applicants have not produced a single document on record to show that the property was belonging to them prior to the sale-deed and then they have sold it. Except the copy of the FIR and copy of the order passed by learned Additional Sessions Judge, Majalgaon rejecting the application filed by the applicants on 25.04.2022 there is nothing. When the applicants themselves are admitting that they have sold the land but they have not produced any such document to support their contention that they were the owners of the property, there is no question of exercise of discretionary extraordinary power under Section 438 of the

Code of Criminal Procedure by this Court. Application stands rejected at the threshold.

[SMT. VIBHA KANKANWADI, J.]

scm