

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

ANTICIPATORY BAIL APPLICATION NO.290 OF 2022

Mohammad Ishraq Khan alias
Zarip

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Umesh Mankapure with Mr. Sagar Kursija with Mr. Harishchandra
Chavan for the Applicant.

Ms G.P. Mulekar, APP for Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 22nd AUGUST, 2022.

P. C. :-

1. This is an application for pre-arrest bail in Crime No.176 of 2021 registered with Bandgarden Police Station, Pune (city), for offences punishable under Sections 406, 420, 464, 467 and 471 r/w. 34 of the IPC.

2. Heard Mr. Mankapure, learned counsel for the Applicant and Ms Mulekar, learned APP for Respondent -State. Perused the records and considered the submissions advanced by learned counsel for the respective parties.

3. The records prima facie reveal that land under Gut No.335/1 of village -Man, Taluka Mulashi was acquired by National Highway Authority. The Competent Authority offered the compensation of Rs.09,64,42,500/-. The Wakf board as well as the Taboot Inam Endowment Trust, claimed right to the said property. After hearing both the sides the Collector, disbursed the amount in favour of the Trust.

4. The FIR lodged by the Regional Officer of Wakf board, Pune, proceeds on the premise that the Trust was formed on the basis of forged and fabricated documents. The Records prima facie indicate that the Trust was registered in the year 2001 whereas Wakf board was created in the year 2004. The Trustee had challenged creation of Wakf in Appeal No.2 of 2004. The Presiding Officer of WAQF Tribunal allowed the said appeal by order dated 05/09/2006, wherein findings have been recorded that the subject property is the Trust property.

5. The records reveal that Writ Petition No.2855 of 2007 filed by the Wakf challenging the said order was dismissed for non-compliance of order dated 02/05/2017. Thus, the records prima facie reveal that the finding of the Tribunal that the subject property is a

Trust property, has attained finality.

6. The Collector has paid compensation to the Trust after hearing both the parties. It is stated that the co-accused -president of the Trust had transferred an amount of Rs.50,00,000/- in favour of Parsi Bilimoria and that said Parsi Bilimoria deposited an amount of Rs.10,00,000/- in the account of the Applicant and Rs.2,75,00,000/- in the account of the wife of the Applicant. It is stated that the wife of the Applicant, who is also one of the co-accused has re-transferred the amount of Rs.2,26,00,000/- in the account of the Trust and that she has been granted pre-arrest bail. The Applicant has also deposited an amount of Rs.50,00,000/- before this Court. It is stated that Parsi Bilimoria, who transferred the money in the account of the Applicant and his wife, has not been implicated as an accused. Considering the above facts and circumstances, the Applicant was granted pre-arrest bail by order dated 15/02/2022. Pursuant to the said order, the Applicant has reported to the Investigating Officer and he has been duly interrogated. It is stated that charge sheet has been filed against the other accused.

7. Having regard to the above facts and circumstances, this is

not a case which would justify custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.176 of 2021 registered with Bandgarden Police Station, Pune (city), the Applicant is ordered to be released on bail on furnishing bail bonds of Rs. 25,000/- with one or two sureties to the like amount.
- (ii) The Applicant shall report to the Investigating Officer on the first day of every month between 10.00 a.m. to 1.00 p.m. till filing of the charge-sheet.
- (iii) The Applicant shall not tamper with the evidence and / or influence the witnesses in any manner.
- (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

8. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)