

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

ANTICIPATORY BAIL APPLICATION NO. 873 OF 2021

Nisar Ismail Waghoo	 Applicant
v/s.	
The State of Maharashtra	 Respondent

**INTERIM APPLICATION NO. 1204 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO. 873 OF 2021**

Salim Nevrekar s/o. Mahmood Nevrekar	... Intervenor
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In the matter between :-

Nisar Ismail Waghoo	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Niranjan Mundargi i/b. P.A. Bhangale for the Applicant.
Ms. A.A. Takalkar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 12th APRIL, 2022.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant for pre-arrest bail in C.R.No.51/2017 registered with Byculla Police Station for offences punishable under sections 120-B, 409, 464, 465, 467, 468 r/w. 34 of the Indian Penal Code and subsequently transferred to DCB, Crime Branch, Unit-3, Mumbai and registered as C.R.No.32/2019.

2. Heard Mr. Niranjan Mundargi, learned counsel for the Applicant and Ms. A.A. Takalkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by Salim Mehmood Nevrekar. The Applicant had sought a declaration that the elections held by Mazgaon Co-operative Housing Society in the year 2010-11 till 2014-15 are void. He had produced before the Co-operative Court a share certificate dated 18/02/2009 bearing Serial No.47 allegedly issued by the Mazgaon Co-operative Housing Society. The first informant had lodged the First Information Report (FIR) alleging that the share certificate is fabricated. In view of the said allegations, aforesaid crime came to be registered.

4. By order dated 25/03/2021, the Applicant was granted interim protection. Learned APP states that the Applicant has co-operated with the investigation and that the investigation is completed and charge sheet has been filed. She states that the Applicant has already put in his appearance before 37th Court, Esplanade Court, Mumbai and that

the presence of the Applicant is not required for the purpose of interrogation.

5. Under the circumstances, the Applicant is entitled for pre-arrest bail. Hence, the Anticipatory Bail Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.51/2017 registered with Byculla Police Station, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) 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 ;

(c) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

6. The Application stands disposed of. Interim Application No. 1204 of 2021 stands disposed of in view of disposal of Anticipatory Bail Application.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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