

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

ANTICIPATORY BAIL APPLICATION NO. 1135 OF 2022

1. Mr. Mohammed Yusuf Ayub Attar

2. Mr. Imran Salim Shaikh

..Applicants

v/s.

The State of Maharashtra .

..Respondents

Mr. U.P.Bobade i/b. Priyanka Chandelia for the Applicant.

Mrs. S.S.Kaushik, APP for the State.

Mr. Saurabh Rane for the Intervenor.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : 26th APRIL, 2022.

P.C.

1. This is an application under Section 438 Cr.P.C. for pre-arrest bail in C.R.No.28 of 2022 registered with Worli Police Station for offences under Section 406, 420, 462, 464, 465, 467, 471 r/w. 34 of Indian Penal Code.

2. Heard Mr. Bobade, learned Counsel for the Applicants, Mrs. Kaushik, learned APP for the State and Mr. Rane for the Intervenor. 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 FIR dated 20.01.2022 lodged by one Razia Mohd. Yunus Dukadia. A perusal of the FIR prima facie reveals that the Complainant and her husband are the owners of the ground floor and first floor of the building Khudamal

Islam Gymkhana Building, (C.A.No.136/137) , Old Bangalipura Street, Mandvi Division, Mumbai. The husband of the Complainant had entered into leave and license agreement dated 27.03.2012 with the Applicants in respect of the ground floor of the building for the purpose of imparting education to needy and poor children. The Complainant claims that she came to know that the Applicants have registered a trust in the name of Synalogue Charitable Trust in their premises and they are charging huge fees for conducting educational courses and are making a huge profit from the same. She has stated that the Applicants have forged her signature on the NOC dated 1.11.2018 submitted before the Charity Commissioner for the purpose of registering of the said trust. The Complainant alleges that the Applicants have cheated and forged the documents and are making huge profit from the business run in the said premises.

4. The trust was registered in the year 2018. The Complainant had obtained information under Right to Information about registration of the said trust in the year 2018. The Complainant had also lodged a complaint on 14.07.2020 against the Applicants on the basis of same set of facts. The present FIR is lodged on 20.1.2022 i.e. about four years after the Complainant learnt about registration of the trust. The delay in lodging the FIR would itself render custodial interrogation futile. Moreover, the case is based on the documents, most of which are in custody of the Charity Commissioner. It is stated that the Applicants

have reported to the Investigating Officer and that they have been interrogated. Under the circumstances, no case is made out for custodial interrogation. Hence the Application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicants in C.R.No.28 of 2022 registered with Worli Police Station, the Applicants be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.
- (ii) The Applicants shall report to the Investigating Officer as and when required by the Investigating Officer for the purpose of investigation and interrogation.
- (iii) The Applicants shall provide their permanent as well as temporary address, if any, and their contact details/change in contact details from time to time to the Investigating Officer.
- (iv) The Applicants shall not change their residential address without prior intimation to the Investigation Officer.
- (v) The Applicants shall not interfere with the complainant and the other witnesses, or tamper with the evidence in any manner.

PRASANNA P
SALGAONKAR
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by PRASANNA
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(ANUJA PRABHUDESSAI, J.)