

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1656 OF 2022

Altamash Hanif Shaikh] ... Applicant

Vs.

The State of Maharashtra] ... Respondent

...

Mr. Tanveer Farooqi for the applicant.

Ms. Veera Shinde, A.P.P. for the State.

Mr. Darade, API attached to the Dindoshi Police Station is present in the court.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 07TH JULY, 2022.

P.C.:-

1. The accusations faced by the applicant is on two counts, first being that certain gold jewellery belonging to the complainant's wife were handed over to the present applicant, who is her adopted son. The jewellery is enlisted in the complaint.

2. Learned A.P.P. makes a fair statement that there is no direction to conduct any investigation on the said aspect.

3. The second accusation faced by the applicant is that he is occupying Room No.610 in Building No.30, Shivsai Prkalp, Goregaon (East), Mumbai. The complainant has alleged that his deceased wife has purchased the said room from Sarubai Guruling Ashte and has transferred it in her name and he was in the process of getting it transferred to his name. When specifically asked whether there is any registered document to that effect, learned A.P.P. answered in the negative. She states that there is only an indemnity cum declaration from the legal heirs of Sarubai Ashte.

4. *Prima facie* on the basis of the document, it cannot be said that the complainant is its owner.

5. The accusations faced by the applicant is that he paid the maintenance of the said room on 10/11/2021 and a receipt was passed on to him and that he preferred an application for transferring the electricity meter in his name and, for which, a no objection has been obtained from the Secretary of the Society. The said document dated 07/11/2021 addressed to Adani Electricity is under the signature of the Secretary of the Society, one Ramsukh Jaiswal. In his statement recorded on 09/01/2022,

he denied that no such 'no objection' is issued by him. However, when the said statement is carefully perused with the naked eyes, it appears that the signature of Ramsukh Jaiswal and the said signature put on the document dated 07/11/2021 is similar.

6. It is ultimately a matter of investigation whether it is his signature or it is manipulated. For that purpose, the specimen signature of the applicant and witness will have to be obtained. The accusations, however, do not warrant custodial interrogation, but he shall report to the police station and render his co-operation. Hence the following order:

ORDER

- (a) In the event of arrest, the applicant – **Altamash Hanif Shaikh** shall be released on bail in C.R. No.286 of 2022 registered with Dindoshi Police Station, District Mumbai on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

(c) The applicant shall report to the Dindoshi Police Station, Dist. Mumbai on Thursdays and Fridays for two weeks between 10.00 a.m. and 02.00 p.m. and, thereafter, as and when directed by the Investigating Officer.

7. The application is allowed in the aforestated terms.

8. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]