

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO.1869 of 2022**

Mohammed Shoaib Mohammed .. Applicant  
Zahid Ansari

Versus

The State of Maharashtra .. Respondents

**WITH**  
**ANTICIPATORY BAIL APPLICATION NO.1870 of 2022**

Rukshana Mohammed Zahid Ansari .. Applicant

Versus

The State of Maharashtra .. Respondents

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Mr.Niranjan Mundargi i/b D.D. Singh and Shivam Singh for the applicant in ABA No.1869/22 and 1870/22. for the applicant.  
Mr. S.V.Gavand, APP for the State.

**CORAM: BHARATI DANGRE, J.**  
**DATED : 11<sup>th</sup> JULY, 2022**

**P.C:-**

1           The accusations faced by the applicant in the complaint lodged on 13/6/2022 by the complainant, who is the owner of Flat No.D/1/1/604 in Yamuna Nagar Welfare Co-operative Housing Society Limited, Lokhandwala, Anderi, is to

the effect that she has been cheated by the accused persons, which resulted in invocation of Sections 406, 420, 465 467, 468, 471, 504, 506 r/w Section 34 of the IPC, against four accused persons.

2 By the present two applications, the accused nos.1 and 2 are seeking protection from arrest.

Perusal of the complaint filed by the landlady would reveal that on 20/9/2019, she had rented her flat No.A/704 by accepting deposit of Rs.80,000/- with a monthly rent of Rs.18,000/- in favour of the accused no.3. To the said agreement, the accused no.4 is the witness. Since the complainant was receiving the amount of rent regularly, she did not establish any contact with Sujata Shetty, a tenant.

Thereafter, on 17/8/2020, the agreement was modified with the rent being substituted as Rs.19,800/-. However, there was a failure to pay the rent since December 2020 and some time was sought by Wasim Shaikh to pay the rent on the pretext that the lessee is not able to pay the rent on account of the covid situation.

Thereafter, it was revealed upon her that the said flat was further leased out by accused no.3 Sujata Shetty with effect from 1/10/2020 to 31/7/2022 by accepting Rs. 17 lakhs. The copy of the leave and licence agreement is placed on record, where Sujata Shetty had described herself as a licensee who is absolutely seized and possessed of the flat in question. The leave

and licence agreement was executed for a period of 22 months, commencing from 1/10/2020 and ending on 31/7/2022.

3 The present applicants were put in possession of the said flat as against the deposit of Rs.17 lakhs and were paying a nominal rent to Sujata. In fact, two applicants are also the victim of the fraud at the hands of the accused no.3.

4 In any case, the learned counsel for the applicants make a statement that on expiry of the period of lease, i.e. 31/7/2022, the subject flat will be vacated since the lease was executed only for 23 months and it come to an end on 31/7/2022. As far as the accused no.3 is concerned, the Investigating Officer state that she is absconding. In any case, the applicants are at liberty to initiate appropriate proceeding for recovery of the amount of 17 lakhs from the co-accused. Subject to the undertaking that the applicants shall vacate and handover the possession of the said flat on or before 31/7/2022 to the complainant, the applicants deserve protection from arrest. Hence, the following order :-

### **ORDER**

- (a) In the event of their arrest, the Applicant Mohammed Shoaib Mohammed Zahid Ansari in ABA No.1869/22 and applicant Rukshana Mohammed Zahid Ansari in ABA No. 1870/22 in connection of C.R.No.769/2022 registered

with Malwani police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- each with one or two sureties of the like amount.

- (b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicants shall report to the concerned police station on 13<sup>th</sup> and 14<sup>th</sup> July 2022 between 2.00 pm and thereafter as and when called by the Investigating Officer.

Applications are disposed off.

**( SMT. BHARATI DANGRE, J.)**