

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

ANTICIPATORY BAIL APPLICATION NO. 1300 OF 2019

1. Idrish Safiq Khan
2. Ismail Sattar Khatia
3. Aliuddin Daud Patel

..Applicants

v/s.

The State of Maharashtra .

..Respondents

Mr. Ganesh Sovani a/w. Ranjana Humane for the Applicant.
Mrs.S.S.Kaushik, APP for the State.
Mr. Kaushik Mhatre a/w. Mr. Arya Sapre for the Intervenor.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 6th APRIL, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicants seeking pre-arrest bail in C.R.No.80 of 2019 registered with Talasari Police Station for offences under Section 420, 465, 468, 471, 473 r/w. 34 of IPC.

2. Heard Mr. Sovani, learned Counsel for the Applicants, Mr. Mhatre, learned Counsel for Intervenor and Mrs. Kaushik, 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 Applicants are the trustees of Sunni Juma Masjid. It is the case of the prosecution that they have forged the NA Certificate. It is to be noted that the land in respect of which NA Certificate is obtained, is admittedly Gavthan Land, and no such certificate is required in respect

of such land. The records also prima facie indicate that vide permission dated 5.2.2017, the Gram Panchayat had already permitted the Trustees of Sunni Juma Masjid to carry out repairs to House No.34. The records also indicate that the Applicant Nos.2 and 3 herein had filed a complaint against the Complainant herein and two police officers before the Anti Corruption Bureau. The Gram Panchayat has also lodged a complaint against the Complainant alleging that he has forged NA Certificate. The records thus indicate that there is dispute between the parties and they have filed complaints and cross complaints against each other.

4. Considering the above facts, this Court (Coram Revati Mohite Dere, J.) vide order dated 19.06.2019, had granted interim bail to the Applicants. The Applicants have complied with the conditions of bail and have reported to the Investigating Officer. They have been duly interrogated. The crime is of the year 2019. Learned APP states that till date investigation is not completed. No satisfactory explanation is forthcoming for the delay in investigation.

5. In view of the aforesaid facts and circumstances, this is not a case which warrants custodial interrogation. Under the circumstances and in view of discussion supra, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicants abovenamed in C.R.No.80 of 2019 registered with Talasari Police Station, the Applicants be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty

Thousand Only) 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 for four days from 11.04.2022, and further 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 his contact details 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 in any manner.

(ANUJA PRABHUDESSAI, J.)

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