IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1154 OF 2020

Abdul Kadar Sharif Shaikh ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Rajesh More, for Applicant.
Ms. P.N.Dabholkar, APP, for State.
Mr. Shrirang Kunchge, for Intervener.

CORAM: N.J.JAMADAR, J.

DATE : 15th JULY, 2022

P.C.

1. This is an Application for pre-arrest bail in connection with C.R.No.341 of 2019 registered with Kondhwa Police Station, Pune, for the offences punishable under Sections 406, 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860.

2. While granting interim protection on 14th January, 2021, this Court had recorded elaborate reasons. Paragraphs 3 to 7 of the order dated 14th January, 2021 read as under :

> "3. The allegations in the First Information Report (forshort 'F.I.R.) are that the first informant Mukesh Gada is one of theDirectors of M/s. New Style Development and Construction Pvt. Ltd. Since 2014. Earlier, the Directors were Alka Sule and AshaSule. They had given a power of attorney to one Kisan Mallav andRamesh Kharade in the year 2003. Subsequently, that power ofattorney was cancelled and they were not supposed to deal withany

> transactions of the company's property. The allegations are that, these two accused namely Mallav and Kharade, instead, sold8 flats by entering into 73 fraudulent transaction by obtaining loans from different banks on said flats and have committed this offence.
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> 4. Heard Shri. Rajesh More, learned counsel for the applicant and Shri. Ajay Patil, learned APP for the State.
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> 5. The learned APP seeks time to take instructions as the investigating officer is not present today.
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> 6. Shri. More submitted that the applicant was one of the flat purchasers and, therefore, he was called by the police and is apprehending his arrest. He submitted that, he himself had filed a complaint against the first informant Mukesh Gada and others in the year 2016 itself making allegations about fraudulent transactions. The applicant had paid purchase amount, yet his flat was demolished. The learned Magistrate had issued order under section 156(3) of the Cr.p.c. and pursuant to that F.I.R. was registered. He submitted that, as a counter blast to this complaint,the F.I.R. is lodged by the first informant.
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> 7. Considering these submissions, it appears that the main offenders are Mallav and Kharade who have created these fraudulent transactions. However, the say of investigating officer is necessary in this case and therefore, I am adjourning the matter today."

3. The aforesaid reasons sustain final order of pre-arrest bail. The aforesaid order is in operation since one and a half years.

4. Evidently, the Applicant is one of the purchasers who has allegedly been duped by the persons, who allegedly executed Instruments on the strength of Power of Attorney, which was stated to be subsequently cancelled. In fact, the Applicant has lodged a private complaint against the first informant herein and his associates. In the

circumstances, at this length of time, I do not find any justifiable reason to warrant custodial interrogation of the Applicant. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The order dated 14th January, 2021 of pre-arrest bail is made absolute on the terms and conditions incorporated therein.

(iii) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(N.J.JAMADAR, J.)