

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2149 of 2022
(corrected as per order dt. 30/8/2022)

Badrul Hasan Masudul Hasan Khan .. Applicant

Versus

The State of Maharashtra .. Respondent

...

Mr. Sanjeev Kadam with Sandeep Mahadik for the applicant.
Mrs. Anamika Malhotra, APP for the State.
PI Shri Dhiraj Koli from Dongri police station.

CORAM: BHARATI DANGRE, J.
DATED : 10th AUGUST 2022

P.C:-

1 The learned counsel Mr. Kadam has placed on record an order passed in case of the co-accused Waman Shankar Deokar in ABA No.1063/2022 dated 21/4/2022.

The order, when carefully perused, narrates the background in which the offence came to be registered and the applicant therein is alleged to be the person who had proposed to form a Labour Co-operative Society in the name of the complainant's father and some signatures were taken on blank papers. The allegation is, cash of Rs.70,000/- and Rs.1,50,000/- was handed over to Waman Devkar and Society was registered on 28/2/2022. It was only in the year 2016, the informant became

aware of the registration of the Society and during the life time of the brother whose signatures are alleged to be forged in the capacity of Chief Promoter did not make any inquiry within all this time.

3 Recording that the delay of 20 years in lodging the FIR would render the custodial interrogation, futile, the co-accused Waman Devkar was conferred with protection from arrest, subject to he rendering co-operation in investigation.

When confronted with the said order, the learned APP do not dispute about such order being passed in the wake of the accusations levelled in the subject C.R.

4 The learned counsel for the applicant submits that Mr.Devkar was attributed a major role in the subject C.R, whereas the present applicant was only assigned a role of acting as a mediator/ liasoning person between the complainant's family and Devkar, I see no reason why a similar protection cannot be extended to the present applicant.

ORDER

- (a) In the event of his arrest, the Applicant – Badrul Hasan Masudul in connection of C.R.No.I-62/2022 registered with Dongri police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with 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 so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall attend the concerned police station on 12th and 13th August 2022 between 2.00 pm to 5.00 p.m and thereafter as and when called.

The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)