

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

ANTICIPATORY BAIL APPLICATION NO.2702 OF 2021

Swaleha Shakil Sayyed
versus

... Applicant

The State of Maharashtra

... Respondent

.....
Mr. Shafqat Ali Shaikh i/b. Farooq A. Choudhary for
Applicant
Smt. A.A. Takalkar, APP for the State/Respondent
PSI Salve, Mankhurd Police Station is present

**CORAM: SARANG V. KOTWAL, J.
DATE : 12th JANUARY, 2022
(Through Video
Conferencing)**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 531 of 2021 dated 23rd August, 2021 registered at Mankhurd Police Station under sections 420, 448, 468, 471 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Shafqat Ali Shaikh, learned counsel for the Applicant and the learned APP for the State.

3. The FIR is lodged by Ashok Guha Padaya, who was working as a property inspector with MCGM, K-East Ward. He has stated that the Applicant and her husband entered in Room No. 526 in Building No. 64/C, Lallubhai Compound, Mankhurd, Mumbai forcibly. When the Informant and other security officers had gone there, the Applicant and her husband did not cooperate and they threatened the informant and others. They showed an allotment letter in the name of present Applicant. According to the informant, it was a forged document. Hence this FIR is lodged.

4. The learned counsel for the Applicant submitted that the Applicant's husband is already arrested. The Applicant has two minor daughters, The Applicant has not committed any offence as alleged and the allegations are made only on the basis of the allotment letter, which is not prepared by her. The allotment letter was handed over to the Applicant by one Mahesh Rane which clearly shows that the Applicant and her husband became victims of the circumstances.

5. The learned APP opposes this present anticipatory bail application. She submitted that false documents were created. The possession was unauthorized and therefore, investigating agency needs custodial interrogation.

6. I have considered these submissions. The Applicant's husband is already arrested. Even as per the Investigating Agency one Mahesh Rane is the main accused. He had forged that document. There is substance in the submissions made by the learned counsel for the Applicant that the Applicant could be a victim of fraud. The Applicant has two minor daughters. In view of this, in my view, the custodial interrogation of the Applicant is not necessary as she can be directed to attend the police station as and when required and to cooperate with the investigating agency.

6. Hence, the following order :

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) In the event of her arrest in connection with C.R. No.531 of 2021 registered with Mankhurd Police Station, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (iii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)