

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2550 OF 2022**

Mahaveer Kishor Mehta .. Applicant
Versus
The State of Maharashtra .. Respondent

**INTERIM APPLICATION NO.3302 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.2550 OF 2022**

Abubakar Ali Mohammad Zariwala .. Applicant
Versus
The State of Maharashtra & Anr. .. Respondents

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Mr.M.J.Bhatt for the Applicant.

Mr.S.V.Gavand, A.P.P. for the State/Respondent.

Mr.Saurabh Butala with Ms.Manvi Sharma for the Intervenor.

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**CORAM: BHARATI DANGRE, J.
DATED : 18th OCTOBER, 2022**

P.C:-

1. In terms of the order dated 28/09/2022, when it was specifically noticed by me that the accusations of the complainant has sufficient probability, being to deprive him of

the property, by the father and son coming together and on the pretext of being at loggerhead and in an attempt to dispossess him, the applicant was directed to settle the issue with his father.

2. Abiding by the said direction, the applicant has filed an affidavit on 17/10/2022, by specifically stating that in the suit which was filed by M/s.Indus Projects Ltd., a claim is staked that they are in possession of the property and the declaration of tenancy in respect of the suit property is sought for and a prayer is also made for preventing their dispossession. However, after due deliberation with his father in the capacity as one of the Directors of M/s. Indus Projects Ltd., a following statement is made :-

“6. I say that after due discussions with my father in his capacity as one of the directors of our said company M/s. Indus Projects Ltd., we have come to a mutual settlement with each other and have agreed as under-

a. The said M/s. Indus Projects Ltd. shall not dispute the title of the Partnership firm of the First Informant Mr. Abubaker Ali Mohammad Zariwala the said M/s. Noori. Reality, over and in respect of the properties sold by my father to them.

b. The said M/s. Indus Projects Ltd. shall also not dispute possession of the Partnership firm of the First Informant Mr. Abubaker Ali Mohammad Zariwala viz. the said M/s. Noori Reality, in respect of the properties sold by my father to them.

c. The said M/s. Indus Projects Ltd. shall also not claim tenancy in respect of the said properties sold by my father.

to the Partnership firm of the First Informant Mr. Abubaker Ali Mohammad Zariwala viz. the said M/s. Noori Reality”

A categorical statement is made in para 7 of the affidavit to the effect that the settlement between the son and the father is also supported by resolution of M/s.Indus Projects Ltd. and a solemn statement is made that the complainant and his firm Noori Realty shall not have any doubt about the intention of his title being disputed by M/s.Indus Projects Ltd. nor shall they expect any action of dispossessing them of the property.

3. In the wake of the aforesaid affidavit, learned counsel for the complainant submits that the suit filed by M/s.Indus Projects Ltd. should also be withdrawn. The response of the counsel for the applicant is that if the complaint filed against the applicant itself is withdrawn, suit shall also be withdrawn.

In any case, I am not concerned with the proceedings in the suit, but have to restrict myself only to the aspect of the subject crime and whether the custodial interrogation is necessary. Since, the complaint now have no reason to face any threat at the instance of the applicant or M/s.Indus Projects Ltd., in the wake of the affidavit filed by the applicant, I do not think that the custodial interrogation of the applicant is necessary. Hence, the following order.

: ORDER :

- (a) Application is allowed.
 - (b) In the event of arrest in connection with C.R.No.I-182 of 2022 registered with Daighar Police Station, applicant-Mahaveer Kishor Mehta shall be released on bail on furnishing P.R. Bond to the extent of Rs.50,000/- with one or more sureties in the like amount.
 - (c) The applicant shall report to the concerned police station as and when called for.
 - (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.
4. In view of the disposal of the application, interim application does not survive and stands disposed off.

(SMT. BHARATI DANGRE, J.)