

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 200 OF 2023

Mobinabi Ibrahim Sayyad

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

Ms. V.D More, Advocate for applicant
Mr. A.S. Shinde, A.P.P. for respondents

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**CORAM : R.G. AVACHAT, J.
DATE : 08th MARCH, 2023**

PER COURT :

1. This is an application under Section 438 of Code of Criminal Procedure. The applicant claims to have an apprehension of being arrested in connection with Crime No. 204 of 2022 registered with Vedant Nagar Police Station, Dist. Aurangabad for the offences punishable under Sections 420, 406, 467, 471, 120-B read with Section 34 of the Indian Penal Code.

2. Heard. Perused First Information Report ("F.I.R.") and related police papers.

3. F.I.R. has been lodged pursuant to the direction given in terms of Section 156(3) of Code of Criminal Procedure. The applicant is alleged to

have forged certain documents in the nature of an unregistered sale-deed and even property tax receipts of the municipal property, bearing House No. C/9/959. The F.I.R. has been lodged by one Zubeda claiming to be the owner of the very house property. She too placed on record the municipal tax receipts. The record indicates that the informant had earlier approached the concerned police station and upon enquiry, report was filed. The said report is on record. The concerned police officer has observed that the applicant herein did have tax receipts of the said house property, while the informant has none. The applicant claims to have purchased the disputed house property way back in 2005 under an unregistered sale-deed.

4. Learned A.P.P. submits that the applicant has come with two mutually exclusive defences before the Ward Officer i.e. the applicant had inherited property by succession and on the other hand she claims to have purchased the same for a valuable consideration of Rs.1 lakh.

5. Be that as it may. It appears that there is dispute as to the title of the property. The documents alleged to have been forged date back to the year 2005. The specimen handwriting and signature of the applicant are said to have been obtained by the investigating officer. The applicant is a woman.

6. In the factual backdrop of the case, the Court is inclined to grant her protection. In view of same, application is allowed. Order dated 15th February, 2023 granting the applicant ad-interim anticipatory bail is, therefore made absolute. Needless to mention the parties may agitate their claim over the suit property in the civil court. Observation hereinabove are tentative in nature. Trial Court shall not be influenced thereby.

(R.G. AVACHAT, J.)

SSD