

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 564 OF 2021

Javed Gani Shaikh @ Builder ...Applicant
V/s.
State of Maharashtra ...Respondent.

Ms Sana Raees Khan a/w. Mr. Aditya Parmar and Shreyoshi
Srivastava i/b Hulyalkar and Associates for the Applicant.
Mr. Amit Palkar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 16.02.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. On 1 March 2021, this Court passed the following order:

“1. The Applicant is seeking anticipatory bail in connection with C.R. No 955 of 2020 registered at Wanwadi Police Station, Pune, on 31/12/2020, under sections 420, 465, 467, 468, 471, 447, 506 a/w 34 of the Indian Penal Code.

2. Heard Ms Sana Raees learned counsel for the applicant and Mr S.H. Yadav, learned APP for the State.

3. The FIR is lodged by one Ursula Hari Swamy. She has stated that her brother had purchased piece of land bearing Survey No. 75/7/8, Sayyednagar, Pune admeasuring 1290 Sq. feet from one Shabbirbhai Tayyabbhai Ghodnadiwala on 30/05/1988. After death of her brother, she was legal owner of the land but she came to know in the year 2012, that one Mehboob Abdul Gagar Shaikh was trying to tress-pass on her land and to evict her

forcibly.

3. *It is alleged in the FIR that, one forged document was executed in 2016 wherein the alleged owners Dinkar Susgohere and Shyam Susgohere sold the same piece of land to Mehboob Abdul Gaffar Shaikh. One Mr. Shyamrao Dagdu Gaikwad was named as one of the parties to the execution of that document. There is reference to the applicant's name and there are allegations that the present applicant had accompanied Mehboob Shaikh, when the informant was threatened.*

4. *Learned Counsel for the applicant submitted that the FIR is not lodged against him. There is only a casual reference to him that he was present with the main accused Mehboob Shaikh. She submitted that even then hardly any offence is made out against the applicant.*

5. *Learned APP submitted that co-accused Mehboob Shaikh's application is directed to be placed on board on 9 32021 and this application can be heard on that date with that application bearing ABA No. 203 of 2021*

6. *Considering the fact that Mehboob Shaikh was protected by the interim order and his matter is directed to be listed on 09/03/2021, this application shall also be placed on the same date. To be heard alongwith ABA No. 203 of 2021.*

7. *Considering the lesser role attributed to the present applicant than the one alleged against Mehboob Shaikh, today I am protecting the applicant by granting interim protection to the applicant till the next date.*

8. *Hence the following order*

ORDER

(i) *In the event of his arrest in connection with C.R. No.955/2020, registered with Wanwadi Police Station, Pune till the next date, the Applicant is directed to be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.*

- (ii) This order shall operate till 09/03/2021.*
- (iii) The applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.*
- (iv) Stand over to 09/03/2021.*
- (v) To be heard alongwith ABA No. 203/2021."*

3. I have perused the First Information Report. According to the complainant in the year 2012 itself she had learnt about the bogus sale deed dated 4 October 1989 executed by the purported power of attorney of original owner in favour of the predecessor-in-title of the co-accused Mehboob Shaikh. It is not understood as to why the report was not lodged at that time. Considering the overall facts and circumstances, I am inclined to allow the present application. Accordingly, the interim anticipatory bail granted to the applicant by the order dated 1 March 2021 is hereby confirmed.

4. The Application stands disposed of.

[N.R.BORKAR, J.]