

Digitally signed by
SATISH RAMCHANDRA
SANGAR

Date: 2023.04.25
19:05:06 +0530

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

ANTICIPATORY BAIL APPLICATION NO. 1033 OF 2023

Mohammad Ayud Indaj Ali Khan ...Applicant

vs.

The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 586 OF 2023**

Shakil Ahamad Wakil Ahamad Siddiqui and Ors. ...Applicants

vs.

The State of Maharashtra ...Respondent

**WITH
INTERIM APPLICATION NO. 1006 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 586 OF 2023**

Mohd. Idris Sai Mohammad Khan ...Intervenor

In the matter between

Shakil Ahamad Wakil Ahamad Siddiqui and Ors. ...Applicants

vs.

The State of Maharashtra ...Respondent

Mr.Vedchetan Patil a/w Ms.Sunayana Kashid a/w Mr.Vishwa Gadbile
Patil – Advocates for Applicants in ABA No.1033 of 2023 and ABA
No.586 of 2023.

Mr.Rajesh Shukla – Advocate for Intervenor in IA No.1006 of 2023.
Mr.A.R.Kapadnis – APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATE : 17th APRIL, 2023

P. C. :-

INTERIM APPLICATION NO. 1006 OF 2023

1. Heard learned Advocate for the First-Informant. His grievance is that his flat is sold by Accused No.1 - Shakil Ahamad Wakil Ahamad Siddiqui by resorting to power of attorney which he has never executed and it is forged one. He wants to intervene in the proceeding.
2. Also heard learned Advocate for the Applicants – Accused and learned APP.
3. Intervention Application is allowed and it is disposed of.

ANTICIPATORY BAIL APPLICATION NO. 586 OF 2023

4. This Court as per the order dated 24th February, 2023 was pleased to grant an interim protection to these Applicants and there is a direction to attend the Investigating Officer on 2nd March, 2023 and 3rd March, 2023. They have also attended the Police Station.
5. Today, I have heard learned Advocate for the Applicants and learned Advocate for the First-Informant and learned APP for Respondent-State.

6. The parties are related to each other. The First-Informant Mohd. Idris is the father of Applicant No.2 Mohammed Yunus Idrish Khan. Whereas, Applicant No.3 – Mosina Khatun Yunus Khan is the wife of Applicant No.2 – Mohammed Yunus and Applicant No.1 – Shakil Ahamad is the father of the Applicant No.3 – Mosina.

7. The FIR is an outcome of a sale of flat belonging to the First-Informant. The grievance is that Applicant No.1 – Shakil Ahamad sold that flat by exercising a power of attorney and there is allegation that Applicant Nos. 2 and 3 have assisted the Applicant No.1. Both the parties are having their own stand.

8. Both the applicants have contended that the power of attorney is genuine, whereas, according to the First-Applicant, it is forged. Copy of power of attorney and copy of sale-deed are placed on record. Learned APP submitted that this power of attorney was not notarized and there are certain defects which supports the allegations about forged power of attorney.

9. Considering the relationship, both the parties are suggested to avail of the possibility of settlement. Their respective advocates have sought time to take instructions.

10. On the next date, they can address the Court whether they

want to proceed in the direction of settlement. If there are no instructions to give about the possibility of settlement, Court will certainly hear the matter on the next date.

11. An interim protection to continue till next date.

12. Matter be kept on **12th June, 2023.**

13. Let the Applicant to give attendance to concerned Police Station on every Thursday from 10.00 to 12.00 noon until further orders and not to threaten the Prosecution witnesses.

ANTICIPATORY BAIL APPLICATION NO. 1033 OF 2023

14. I have heard learned Advocate for the Applicants and learned Advocate for the First-Informant and learned APP for Respondent-State.

15. The offence is registered under Section 354 of Indian Penal Code, 1860 [“IPC”]. The present Applicant is a purchaser of one flat in respect of which, separate FIR at C.R. No. 15 of 2023 is registered under Sections 420, 467, 468, 471 read with 34 of IPC. In that FIR, one Mohd. Idris is the First-Informant, whereas, the present First-Informant / victim is the daughter of said Mohd. Idris.

16. Learned APP invited my attention to the statement of victim recorded under the provisions of Section 164 of the Code of Criminal

Procedure, 1973 [“Cr.P.C.”]. Today, there is no grievance about non compliance of Section 41-A of Cr.P.C. In connected matter, parties were suggested about possibility of settlement. So, let an interim protection be granted to this Applicant. Hence, order :-

O R D E R

- (i) In case of arrest in connection with C.R. No. 35 of 2023 registered at Tulinj Police Station for the offence punishable under Sections 354 of the IPC, the Applicant be released on furnishing personal bond and surety bond of Rs.25,000/-.
- (ii) Applicant to give attendance to Tulinj Police Station on every Saturday from 10.00 to 12.00 noon until further orders.
- (iii) Applicant not to threaten the Prosecution witnesses or allure them in any manner.

17. Matter be kept on **12th June, 2023**.

[S. M. MODAK, J.]