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

BAIL APPLICATION NO.1952 OF 2023

QURESHI ZAKARIYA MOHAMMED ILIYAS ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Rajendra Rathod a/w Adv. Sohail Ahmed, Adv. Aamir
Koradia a/w Adv. Abdullah Maknojia for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 5, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 420, 120-B, 465, 467, 468, 471, 474, 379, 34 of the Indian Penal Code (hereafter 'IPC' for short) registered vide C.R. No.132 of 2022 with Alandi Police Station.
- 3.** The incident is alleged to have happened on 30.04.2019. The FIR was registered on 28.04.2022. There are six accused in all. The applicant is the accused No.1.

The applicant was arrested on 14.10.2022. It is the accusations that the applicant purchased a plot of land which belongs to the complainant on the basis of bogus and fraudulent sale deed. In place of the complainant, an impostor was portrayed as the complainant who is said to have signed the sale deed transferring the rights of the land in favour of the applicant.

4. Learned APP was at pains to point out from the documents that it is obvious that the applicant who is the beneficiary is responsible for the commission of the aforesaid offences. It is further pointed out that the applicant has created further third party interest in the said property.

5. It is pertinent to note that in respect of the fraudulent sale deed which was executed on 30.04.2019, the complainant has already instituted a civil suit for declaration that the sale deed is null and void. The suit was filed in the year 2020 and the same is pending. The FIR is lodged on 28.04.2022. The trial will be taken to its logical conclusion and the applicant punished if he is found guilty. Suffice it to

observe that the investigation is complete and the charge-sheet has been filed. There are civil proceedings pending between the parties. The trial is likely to take a long time to conclude. The applicant was arrested on 14.10.2022. Prolonging the custody would amount to a pre-trial punishment. There are no criminal antecedents reported against the applicant. The applicant is therefore enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Qureshi Zakaria Mohammed Iliyas in connection with C.R. No.132 of 2022 registered with Alandi Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Alandi Police Station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

6. The application is disposed of.

(M. S. KARNIK, J.)