

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2998 OF 2022

Manulal @ Rajubhai Ahmadbhai Daruwale ...Applicant
V/s.

The State of Maharashtra ...Respondent.

Mr. C.J. Doveson a/w. Ms Sunayna, Ms Sanjana M., Mr. Kaushik A.
i/b Rex Legalis for the Applicant.

Mr. Amit Palkar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 13.03.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.707 of 2022 registered at Pimpri Police Station, Pimpri-Chinchwad for the offences punishable under Sections 420, 465, 468, 471 of the Indian Penal Code.
3. The aforesaid crime came to be registered at the instance of Wakf Board, Aurangabad.
4. According to the prosecution, the applicant had prepared the forged order of the Chief Executive Officer of the Wakf Board dated 13 September 2016 in relation to Wakf properties bearing Survey No. 284, 287 and 288 at village Chinchwad.
5. By the original order, the Chief Executive Officer directed that the application filed by the applicant be kept before the Wakf

Board to consider the grant of permission to lease out the properties in question. The applicant had forged the said order and substituted it as follows.

"permission is granted to sell/develop /exchange the properties in question".

6. The learned counsel for the applicant was directed to produce the application on which the order dated 13 September 2016 was passed. The learned counsel for the applicant submits that the order in question was passed on a review application and has produced the copy of said review application.

7. The prayers in the review application read thus:

- a) It be declared that, Wakf in question is Wakf covered by Section 3 of Musalman Wakf Validating Act, 1913 i.e., private wakf and not public wakf.*
- b) It be declared that, Wakf in question is Wakf covered by Section 3 of Musalman Wakf Validating Act, 1913 i.e. private wakf and not public wakf.*
- c) Any other order in the interest of justice and equity may kindly be passed.*
- d) It be declared that, Wakf in question is Wakf covered by Section 3 of Musalman Wakf Validating Act, 1913 i.e. private wakf and not public wakf."*

8. There is no prayer seeking permission to sell the properties in question. Considering the nature of offence, I am not inclined to release the applicant on anticipatory bail. Hence, the Anticipatory Bail Application is rejected.

[N.R.BORKAR, J.]