

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

ANTICIPATORY BAIL APPLICATION NO. 2712 OF 2019

1) Zuber A. Abbasi
2) Imran A. Abbasi ... Applicants
v/s.
The State of Maharashtra and anr. Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2718 OF 2019**

Firoz Abubaker Abbasi ... Applicant
v/s.
The State of Maharashtra and anr. Respondents

Mr. C.K. Pendse a/w. Ms. Siddhi Bhosale for the Applicant
in ABA/2712/2019.
Mr. S.R. Tripathi i/b. Ram Mani Upadhyay for the Applicant
in ABA/2718/2019.
Mr. S.H. Yadav, APP for the State.
Mr. Anil Dhole, PI, Mahim Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 08th JUNE, 2023.

P. C. :-

1. These are the Applications under section 438 of Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R.No.344/2019 registered with Mahim Police Station for offences punishable under sections 201, 420, 468, 471 r/w. 34 of the Indian Penal Code.

2. The allegations against the Applicants are that they had handed

over forged and fabricated No Objection Certificate to the Revenue Authorities for recording their names in the CT survey records. The records prima facie reveal that the first informant is the paternal uncle of the Applicants herein. The father of the Applicants and the first informant held joint family property with 50% share. The father of the Applicants expired in the year 2008. The Applicants subsequently filed an application to enter their names in the survey records towards share of their father. It is stated that the Applicants had submitted NOC before the Survey Authorities for recording their names in the survey records.

3. It is not in dispute that the Applicants herein had already filed a suit for partition and the same is pending. Essentially, the dispute is of civil nature. Even otherwise, the Applicants were granted interim bail on 11/12/2019 and they were directed to co-operate with the investigation. It is also seen that charge sheet has not been filed till date. No justifiable explanation is given for delay in investigating the case.

4. Considering the above facts and circumstances, in my considered view, this is not a case which would justify custodial interrogation.

Hence, the interim order dated 11/12/2019 stands confirmed. The Applicants are directed to report to the Investigating Officer as and when required. The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. Both Applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)