

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

ANTICIPATORY BAIL APPLICATION NO.3500 OF 2022

Zubeda Salim Chougale and ors. ..Applicants
VS.
The State of Maharashtra and anr. ..Respondents

**WITH
INTERIM APPLICATION NO.4405 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.3500 OF 2022**

Mohammed Rafique Ibrahim Tambe ..Applicant
VS.
The State of Maharashtra and ors. ..Respondents

Viquar Rajguru a/w Aditya S. Navpute and Gajanan Ghalgir
i/b S.A. Legal Advocates and Associates for the Applicants.

Mr. Akshay R. Kapadiya for the Intervener.

Ms. P. N. Dabholkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 27, 2023

P.C. :

- 1.** Heard learned counsels for the parties and learned APP for the State.
- 2.** This is an application for pre-arrest bail in respect of the offence punishable under sections 420, 465, 467, 468, 471, 120B and 34 of the Indian Penal Code, 1860 in connection with C.R. No.139 of 2022 registered with Anti

Extortion Cell, Mumbai (earlier First Information Report [FIR] No. 0643 of 2022 registered with Dadar Police Station).

3. The date of the registration of the FIR is 08/08/2022. As per the allegations of the informant, he and his brothers are the owners of property no. 53, 55, 57, 57-B situated at Bhandari Street, Kumbarwada, near Gol Deul Mandir, Mumbai. There are 44 residential rooms and 8 commercial shops. It is the allegation that the informant has his 50% share in the suit property whereas the applicants' have a 50% share in the suit property. By a registered sale deed dated 31/03/2021, the applicant nos. 1 to 7 who are brothers and sisters, sold their share to the accused no. 9. The suit property comprised shops which were let out to different tenants. It is the allegation that the suit property was sold on the basis of the documents in the nature of rent receipts, the Gumasta licence issued by the Municipal Corporation of Greater Mumbai and the electric meter connections issued by the Electricity Board. These documents are alleged to be forged.

4. Learned counsel for the applicants contended that the present case primarily involves issues which are of civil

nature. In fact, it is pointed out that the civil suit is pending. It is contended that a completely false case is registered against the applicants.

5. Learned APP submitted that the property was completely undervalued which resulted in evasion of tax of Rs.18,23,700/- payable to the Government.

6. The allegation primarily is that on the basis of the forged documents, the sale deed has been executed in favour of the original accused no. 9. It is further alleged that the property has been grossly undervalued on the basis of such fraudulent documents. Considering the accusations that fraudulent documents are relied upon in the course of the transaction, it can not be said, the accusations are not serious in nature. Learned APP submitted that accused no. 9, who has purchased the property, has been arrested in other cases under the provisions of the Unlawful Activities (Prevention) Act, 1967 and the Maharashtra Control of Organised Crime Act, 1999 and in another case for terrorist financing after one year. It is not possible for me in the present facts to form an opinion that the custodial interrogation is not required.

7. Learned counsel for the applicants relied upon the decision dated 02/10/2010 of the Hon'ble Supreme Court in the case of **Siddharam Satingappa Mhetre Vs. State of Maharashtra**¹ in support of his contention that this is a fit case where applying the principles of the grant of pre-arrest bail which have been laid down by the Supreme Court, the applicants deserve to be released on pre-arrest bail. Having regard to the nature of accusations and the seriousness of the allegations, the decision relied by the learned counsel will not assist the applicants.

8. I do not find this is a fit case to grant pre-arrest bail. The present application is therefore rejected. The interim application stands disposed of.

(M. S. KARNIK, J.)

1 Criminal Appeal No. 2271 of 2010 arising out of SLP (Cri.) No. 7615 of 2009