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

ANTICIPATORY BAIL APPLICATION NO.3604/2022

IRFAN SAYYED KHAN

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Aniesh S. Jadhav a/w. Adv. Rushikesh S. Kekane for the
applicant.

Ms. A. A. Takalkar, APP for State.

API V. S. Valte, Thane Nagar Police Station.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 17, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for pre-arrest bail in respect of
First Information Report (FIR) No.158/2022 registered with
Thane Nagar Police Station, for the offence punishable
under Sections 420, 465, 467, 471 of the Indian Penal Code,
1860 (hereafter 'IPC' for short).

3. The applicant was a tenant in respect of the premises
in question. The complainant was the landlord. The dispute
is in respect of the registered agreement for sale dated
24/10/1991 executed whereby the complainant agreed to

sell the flat on second floor, admeasuring 450 sq.ft. at the rate of Rs.175 sq.ft. The applicant filed a suit in the year 2010 for specific performance. The applicant succeeded right upto the Hon'ble Supreme Court. The Hon'ble Supreme Court by an order dated 5/8/2022 was pleased to dismiss the SLP No.9960/2022 with exemplary costs. After the Hon'ble Supreme Court dismissed the SLP No.9960/2022 on 5/8/2022, the instant FIR dated 18/9/2022 came to be registered by the landlord alleging that the agreement for sale dated 24/10/1991 is a forged document.

4. Taking into consideration the delay in lodging the FIR and the nature of the accusations, a case is made out for grant of anticipatory bail. The criminal proceedings are, in my *prima facie* opinion resorted to settle a civil dispute after having failed in civil Courts. Pursuant to the interim order passed by this Court, the applicant has co-operated with the investigation. So far as the original document dated 24/10/1991 is concerned, an affidavit has been filed by the applicant. The same was filed by the applicant in Regular Civil Suit No.690/2010 in the trial Court and it is not in possession and/or in custody of the applicant.

5. Learned counsel for the applicant makes a statement on instructions that the applicant has never taken the original agreement from the trial Court. The applicant has only applied for the certified copy of the document. If it is found that the statement of the applicant is false, he will obviously be liable for the consequences, including that of cancellation of the anticipatory bail. The custodial interrogation is not required. In this view of the matter, the interim protection granted by this Court deserves to be confirmed on the following terms :-

ORDER

(a) In the event of arrest of the applicant-Irfan Sayeed Khan in connection with FIR No.158/2022 registered with Thane Nagar Police Station the applicant shall be released on bail on his furnishing P. R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(b) The applicant shall report to the concerned police station as and when called.

(c) The applicant to co-operate with the investigating officer.

(d) The applicant shall furnish the details of his residential address and phone number to the investigating officer.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

6. The application is disposed of.

(M. S. KARNIK, J.)