

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

ANTICIPATORY BAIL APPLICATION NO.748 OF 2024

Allabakshi Murimusa Shaikh Applicant

versus

State of Maharashtra Respondent

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- Dr. Uday P. Warunjikar a/w Sonali R. Chavan a/w Uzma Pathan, Advocate for Applicant.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 18th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.162/2024, dated 20/02/2024, registered with Wanvadi Police Station, Pune City, under sections 406, 420, 467, 468, 471, 452, 506 r/w 34 of the Indian Penal Code.

2. Heard Dr. Uday P. Warunjikar, learned counsel for the Applicant and Ms. Pallavi N. Dabholkar, learned APP for the State.

3. The FIR is lodged by one Vina Sanghavi through her husband Vijay Sanghavi. She has stated that they had purchased a land bearing survey No.59, Hissa No.1/3/1/, 1/4/2, 1/4/3, 1/5/5, 1/5/1, 1/5/6, 1/6/4, admeasuring 2 H 26.50 R at village Hadapsar from one Koyalikar and others in the year 2005. The sale deed was registered in the year 2005. They had placed wire compound around the boundary. They noticed that the accused had broken that compound and had encroached on 10 R portion of that land. When the informant made enquiry, they came to know that the land was encroached on the basis of forged documents, by the accused Raj Gulab Shaikh, Bakshibhai, Duntu, Akbarbhai, Imran Katta etc. They were not vacating the land and were threatening the informant. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant had not signed a single document. He was an Estate Agent. He is not a beneficiary in the entire transaction. He has not encroached upon the land. In short, he has absolutely no connection with the allegations.

5. Learned APP submitted that the Applicant had shown that land to the purported purchasers and encroachers, after which this offence was committed. Therefore, the entire idea started from him showing the land. She however conceded that after registration of the FIR, there is no particular statement recorded showing his involvement and there are no documents showing his signature. She therefore submitted that if the Applicant is protected, he may be directed to attend the concerned police station on particular dates for cooperating with the investigation.

6. I have considered these submissions. As submitted by the learned APP, at this stage, the investigating agency does not have definite material against the present Applicant. Therefore, at this stage, the Applicant can be protected u/s 438 of Cr.P.C. However, during the investigation if any serious material is found against him necessitating his custodial interrogation, the investigating agency is at liberty to prefer appropriate application.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.162/2024, dated 20/02/2024, registered with Wanvadi Police Station, Pune City, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station from 26/03/2024 to 28/03/2024 between 01.00 p.m. to 05.00 p.m. and thereafter as and when called and shall cooperate with the investigation.
- (iii) The investigating agency is at liberty to file appropriate application if some definite material is found against the Applicant necessitating his custodial interrogation.
- (iv) With these observations, the application is disposed of.

(SARANG V. KOTWAL, J.)