

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

ANTICIPATORY BAIL APPLICATION NO.856 OF 2024

Ahmed Ibrahim Khan

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr. Samir V. Pradhan, Advocate for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 03rd APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.102/24, dated 31/01/2024, registered with Gavdevi Police Station, Mumbai, under sections 420, 465, 467, 468, 471 of the Indian Penal Code.

2. Heard Mr. Samir V. Pradhan, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The FIR is lodged by one Persi Mistry. He has stated that his grandfather Gajdar was staying in flat No.2, Ground Floor, Plot No.45, Gajdar House, Bhulabai Desai Road, Kambala Hill, Mumbai, since 1940-1945 by Pagdi system. He was residing with his family members. He passed away in 1965.
4. The gist of the FIR is that there were other legal heirs. However, his aunt Roshan single handedly kept one person as a tenant in that flat on her own. The informant went to the electricity office in March 2023 to pay electricity bill. He came to know that the electricity bill was transferred in his aunt's name. The informant made further enquiries. He came to know that she had submitted forged rent receipts, false NOC in the name of the informant's grandfather and forged his grandfather's signatures. Using those forged documents, she transferred the electricity bill in her own name. On this basis, the FIR is lodged.
5. The allegations against the present Applicant are not mentioned in the FIR. However, from the investigation it has transpired that the Applicant had helped the said Roshan to get

the electricity bill transferred in her name and therefore he is apprehending his arrest.

6. Learned counsel for the Applicant submitted that he has no connection with the offence. The Applicant helps people in solving their problems in respect of electricity bills. He has not forged any documents. The said lady Roshan is 80 years of age and the Applicant has tried to help her.

7. Learned APP submitted that the investigating agency has recorded conversation between the aforementioned Roshan and the present Applicant, which is relevant in this case. The investigating agency has also recorded the statement of said Roshan, wherein the Applicant's name has transpired.

8. I have considered these submissions and I have read the transcript of the recorded conversation between Roshan and the present Applicant. In that conversation, the said Roshan was asking the present Applicant about those forged documents and she had told him that she had not given any such forged

documents. At one place, the Applicant had answered that he did not remember anything, but he had done that work. The conversation further goes on to mention that the Applicant had told her to name one Saeed, who had already passed away, so that the blame would not be shifted towards her. The transcript further mentions that the Applicant himself did not know that any forged documents were prepared. The important conversation is that the Applicant had told Roshan that he had not told the other agent to make forged documents. In fact, he had scolded that person and he had also told him that he should not have gone ahead with that work, if it could not be done without forged documents.

9. This conversation is important. Undoubtedly, the Applicant had advised the said Roshan to shift the blame on one Saeed. This may be incriminating against him. The further conversation indicates that he was against the idea of forging any documents and that even he was unaware of creating any forged documents. Therefore, the transcript will have to be read as a whole. The statement of Roshan mentions that she had

given that work to the present Applicant. But she had not said anything about the Applicant having forged the documents. Thus, there is reasonable doubt about the Applicant's involvement in forging the documents. It appears that he had engaged some other person to transfer the electricity bill in the name of Roshan, but it is doubtful as to whether he had directed that person to create the forged documents. Therefore, at this stage, it would be sufficient if the Applicant is directed to attend the concerned police station on particular dates and if he cooperates with the investigation. His custody, in these doubtful circumstances, is not necessary.

10. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.102/24, dated 31/01/2024, registered with Gavdevi Police Station, Mumbai, 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 on 15/04/2024, 16/04/2024 and 17/04/2024 between 01.00 p.m. to 05.00 p.m. and thereafter as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)