

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

**ANTICIPATORY BAIL APPLICATION NO. 1221 OF 2024**

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|--------------------------|--------------|
| Mr. Tejas Harish Khanna  | ..Applicant  |
| Versus                   |              |
| The State of Maharashtra | ..Respondent |

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Mr. Syed Asif Abbas Naqvi for Applicant.  
Mr. Nitin B. Patil, APP for State/Respondent.  
Mr. Jitendra Tiwari a/w. Kunikaa Sadanand for Intervenor.

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**CORAM : SARANG V. KOTWAL, J.**  
**DATE : 2 MAY 2024**

**P.C. :**

1. Leave to amend to add Faruk Kabir as a party respondent because subject matter of this application is initiated through the complaint filed by him with the police. The amendment shall be carried out forthwith.

2. The Applicant is seeking anticipatory bail in connection with C.R.No.16 of 2024 registered at Azad Maidan Police Station, Mumbai, on 05.01.2024, under sections 419, 420, 465, 468 and 471 r/w. 34 of the Indian Penal Code.

3. Heard Mr. Syed Asif Abbas Naqvi, learned counsel for the applicant and Mr. Nitin Patil, learned APP for the State. Mr. Jitendra Tiwari, learned counsel appears and states that he has filed his Vakilpatra on behalf of the added respondent.

4. The F.I.R. is lodged by police constable Poonam More who was attached to the registration branch, Special Branch-2, Crime Detection Branch, Mumbai. On 14.12.2023, she was verifying the applications sent through online facility. One of the applications was in the name of Arya Fiza Faruk Kabir. She was born in India on 29.11.2023 and an application was made for obtaining exit permit for going to Uzbekistan. While verifying that application, the informant noticed that necessary documents in the form of birth certificate, passport of the father of the child and the undertaking to be filed by the parents of the child were not submitted. Therefore, a reply to that effect was sent on the Email I.D. from where the application was made. On 15.12.2023, the applicant who was the step grandfather of the child and the child's mother came to the office of the informant. They were told about the requirement of the documents. They immediately submitted

the requisite undertaking through online facility. On that very date, the child's father Faruk Kabir came to the informant's office and made enquiries about the application made in her name. At that time, he was informed about the pending application in the name of the child who was his daughter. That time, he claimed that he had not made any such application. He was shown the documents which were tendered with the application. He told the informant that the undertaking did not bear his signature, but the signature appearing on that undertaking was forged in his name. On this basis the F.I.R. was lodged.

5. Today, both, the learned counsel for the Respondent No.2 Faruk Kabir and learned counsel for the applicant jointly submit that the matter is settled between the father of the child Faruk Kabir and the mother of the child, as well as, her parents. The present applicant is the stepfather of the child's mother. Both learned counsel submit that, initially there was some marital discord between the father and mother of the child which had led to filing of Habeas corpus petition before the division bench of this Court. That petition is disposed of. Subsequently, an attempt was

made for reconciliation. It was unsuccessful and as of today the child's parents have decided to come together for the welfare of the child. In this situation, it would be in the interest of the child that the matter is not allowed to escalate further and the applicant is granted protection U/s.438 of the Cr.p.c. Both learned counsel jointly tendered a copy of the consent terms. It is taken on record and marked 'X' for identification. Both learned counsel have signed the copy tendered in the Court as the 'True copy' of the original consent terms. The Clause-4 of the said consent terms mentions that the Respondent No.2 Faruk Kabir did not want to proceed with the complaint made to the informant's office in this case. Mr. Faruk who had originally made complaint before the informant's office is present in the Court. He is identified by his counsel. Learned counsel for Mr. Faruk and he himself state before the Court that they have no objection if this application is allowed and anticipatory bail is granted to the applicant. Keeping in mind the welfare of the child, they have arrived at this arrangement.

6. Learned APP opposed grant of relief to the applicant on the ground that forged documents were supplied to the

Government authorities.

7. I have considered these submissions. Today I am only deciding the question of necessity for custodial interrogation. At this stage, it is not necessary to decide whether the documents are forged or not. For that purpose, the law will take its own course. Today I am considering the welfare of the child and the consent terms filed by the parents of the child. Considering that there is reconciliation between the couple and they have decided to come together in the interest of their child, it would be better if the matter is not escalated further. The present applicant is the step father of the child's mother. In this view of the matter, the applicant can be protected U/s.438 of the Cr.p.c., considering the consent terms filed before the Court today.

8. Hence, the following order :

### **ORDER**

- i) In the event of his arrest in connection with C.R.No.16 of 2024 registered at Azad Maidan Police Station, Mumbai, the applicant is directed to be released on bail on his executing P. R. 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 cooperate with the investigation.
- iii) The Application is disposed of.

**(SARANG V. KOTWAL, J.)**