

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

ANTICIPATORY BAIL APPLICATION NO.2616 OF 2021

Khursheed Anwar Qureshi

....Applicant

V/S

The State of Maharashtra

....Respondent

Mr. Shirish Gupte, Senior Advocate i/b Mr. Rohan Hogle *for the Applicant.*

Mr. Ashok S. Gawai, APP *for Respondent/State.*

CORAM: SANDEEP V. MARNE, J.

DATE : 19 APRIL 2024.

P.C.:

1 By this Application, Applicant is seeking pre-arrest bail filed under provisions of section 438 of the Code of Criminal Procedure in connection with C.R. No.87 of 2021 registered with Shivajinagar Police Station, Pune for offences punishable under sections 420, 467, 471, 385, 387 read with section 34 of the Indian Penal Code.

2 The allegations levelled against the Applicant stem out of passing of order by this Court in Civil Application No.114 of 2016 filed for seeking restoration of Public Interest Litigation No.110 of 2015. While rejecting the Civil Application, this Court made an observation about different hand-writing in respect of the medical certificate dated 20 September 2016 and observed that the words “Viral Fever” appeared to be in different hand-writing. It appears that after conducting enquiry in respect of the allegation of different hand-writing by recording the statement of concerned Doctor,

the Police Inspector (Crime) Azad Maidan Police Station, Mumbai filed closure report observing that no cognizable offence was made out. However, it appears that two years after dismissal of the Civil Application, the First Informant lodged FIR with Shivajinagar Police Station on 22 September 2021 again referring to the aspect of difference in the handwriting in the medical certificate dated 20 September 2016. Other allegations of extortion are also added in the FIR.

3 It appears that the other two accused in the FIR were arrested and released on bail. Applicant has been on interim protection granted by this Court by order dated 29 October 2021. In my view considering the nature of allegations levelled against Applicant, interim protection which is operating in his favour since 29 October 2021 can be made absolute subject to the condition that the Applicant remains present for conducting investigations before the Investigating Officer.

4 The Anticipatory Bail Application is accordingly allowed by making interim protection granted earlier on 29 October 2021 absolute. The Applicant shall remain present before the Investigating Officer as and when called and shall co-operate with the Investigating Officer.

(SANDEEP V. MARNE, J.)

Digitally
signed by
SUDARSHAN
RAJALINGAM
KATKAM
Date:
2024.04.20
12:40:17
+0530