

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2733 OF 2021**

Bilal Gulam Rasool Patel } *..Applicant*

: *Versus* :

The State of Maharashtra } *..Respondent*

WITH

ANTICIPATORY BAIL APPLICATION NO. 3115 OF 2021

Ibrahim Sattar Khan } *..Applicant*

: *Versus* :

The State of Maharashtra } *..Respondent*

WITH

INTERIM APPLICATION NO. 373 OF 2022

WITH

ANTICIPATORY BAIL APPLICATION NO. 3115 OF 2021

Mrs. Gulshan Arif Tase @ Gulshan Ghulam
Rasul Patel } *...Intervenor*

In the matter between :

Ibrahim Sattar Khan } *...Applicant*

: *Versus* :

The State of Maharashtra } *..Respondent*

Mr. Subhash Jha a/w. Mr. Ritesh Kesarmani, Ms. Neha Balani i/by. Law Global Advocates, for the Applicants.

Mr. Ashok S. Gawai, APP for State

Mr. R.Y. Gaikwad, for the Applicant in IA-373-2022.

CORAM : SANDEEP V. MARNE, J.

Dated : 6 May 2024.

P.C. :

1) These applications are filed seeking pre-arrest bail in connection with Crime No.I-721/2021 registered with Kashimira Police Station, Thane for the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code.

2) It appears that the First Informant, Mrs. Gulshan Arif Tase has lodged the FIR alleging fabrication in respect of Power of Attorney and Release Deed executed sometime in the year 2007-08. The FIR has however lodged on 21 October 2021. It is an admitted position that the property in question has already been assigned by an Indenture dated 15 October 2011 apparently to Sagar Chawla and Sameer Chawla.

3) It appears that one of the Applicants, Bilal Gulam Rasool Patel has already filed Regular Civil Suit No.5/2020 in the Court of Civil Judge Junior Division, Thane in which he has claimed a relief that defendants including the First Informant/Mrs. Gulshan Arif Tase does not have any

right, title or interest in the suit properties described therein. The suit appears to have been lodged before filing of FIR by Mrs. Gulshan Arif Tase.

4) Be that as it may. It appears that the Applicants are already on interim protection granted by this Court on 24 January 2022 in Ant.Bail Application No. 2733/2021 and 23 December 2021 in Ant. Bail Application No. 3115/2021.

5) It appears that one of the conditions for grant of interim protection was remaining present before the Investigating Officer on 31 January 2022 by Applicant, Bilal. Upon a query raised by the Court about the progress of the investigations, the learned APP would submit that the Investigating Officer wants the original of the Power Of Attorney and Release Deed in respect of which allegations of forgery are made by the First Informant. Mr. Jha, the learned counsel appearing for the Applicant submits that since the property in question is already transferred, the Applicants are not in possession of the original Power of Attorney and the Release Deeds.

6) Considering the facts and circumstances of the case, particularly the fact that the Applicants are already on interim protection granted by this Court, coupled with the fact that there is no allegation of Applicants not co-operating with the Investigating Officer, I am of the view that custodial interrogation of the Applicants is not necessary. Further, the Applicants have co-operated with the Investigating Officer by remaining present in the Kashmiri Police Station for completion of the investigations.

7) Accordingly, interim protection granted in favour of the Applicants on 24 January 2022 in Ant. Bail Application No.2733/2021 and 23 December 2021 in Ant. Bail Application No.3115/2021 is made absolute on following conditions :

(i) In the event of arrest of the Applicants in C.R.No.I-721/2021 registered with Kashimira Police Station,Thane, they be released on bail in the sum of Rs.25,000/- each with one or more sureties in the like amount.

(ii) Applicants shall not directly or indirectly tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(iii) Both the Applicants shall remain present before the Investigating Officer on 20th, 21st and 22nd May 2024.

8) With the above directions, the Anticipatory Bail Applications are disposed of. The Interim Application filed for intervention also stands disposed of.

[SANDEEP V. MARNE, J.]