



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.874 OF 2024**

Mohammed Fareed Usmani	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Ms. Anjali Patil with Mr. Tohid Shaikh, for Applicant.
Mrs. Rajashree Neuton, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 1st AUGUST 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for bail in C.R.No.150 of 2023 registered with Chembur Police Station for the offences punishable under Sections 420, 465, 466, 467, 468, 471 of the Indian Penal Code and Sections 82 and 83 of the Registration Act, 1908.
3. Smt. Shahana Siddiquie (the deceased) was the holder of a tenement bearing No.4164, Tagore Nagar, Vikroli (E), Mumbai. The applicant claimed to be the brother of the deceased. According to the applicant, the deceased had executed a Power of Attorney in his favour on 24 September 2021. Armed with said Power of Attorney, the applicant executed a Sale Deed on 5 August 2022 of the aforesaid premises in favour of himself. Nilofar Usmani, Respondent No.2, lodged complaint with the Registrar of Assurances that the deceased had not executed any Power of

Attorney in favour of the applicant and the deceased had passed away on 16th July 2021, much before the execution of the Sale Deed dated 5th August 2022.

4. After holding an inquiry, the Registrar of Assurances found that the applicant had made a false declaration while executing the Sale Deed that the person who executed the Power of Attorney was alive on the date of the execution of the Sale Deed and the Power of Attorney was not otherwise cancelled. The Sub-Registrar thus lodged the report for the offences punishable under Section 420 of the Indian Penal Code and Section 82 of the Registration Act, 1908.

5. Learned Counsel for the Applicant submitted that the applicant has allegedly made an attempt to get his name registered in the MHADA record. The applicant has been in custody since 1 November 2023. Investigation is complete. Further detention of the applicant is unwarranted.

6. Learned APP resisted the prayer for bail. Attention of the Court was invited to an order dated 8 September 2023, whereby this Court had rejected the prayer of the applicant for pre-arrest bail.

7. I have perused the report under Section 173 of the Code of Criminal Procedure and the documents annexed with it. Indeed, there are allegations of forgery and falsely executing the documents on the strength of the Power of Attorney of the sister of the deceased, who had passed away on 16 March 2021. However, the investigation seems to be complete for all intent and purpose. Chargesheet has been

lodged. The offences are triable by the Magistrate. In these circumstances, further detention of the applicant does not seem to be warranted. I am, therefore, inclined to exercise discretion in favour of the applicant.

8. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Mohammed Fareed Usmani be released on bail in C.R.No.150 of 2023 registered with Chembur Police Station Mumbai on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence before Chembur Police Station on first Monday of every month between 11 am to 1 pm for a period of three years or till the conclusion of the trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.

(v) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)