IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.457 OF 2024

Mohammed Arif Shafeeq Ahmed Patel .... Applicant

versus

The State of Maharashtra .... Respondent

…....

- Mr. Ashok P. Mundargi, Senior Counsel i/b. Ratnesh Dube & Amjed Pathan, Advocate for Applicant.
- Mr. Mayur S. Sonawane, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 16th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.10/2024, dated 05/01/2024, registered with Panvel City Police Station, Navi Mumbai, under sections 448, 465, 467, 471 of the Indian Penal Code.

2. Heard Mr. Ashok Mundargi, learned Senior Counsel for the Applicant and Mr. Mayur S. Sonawane, learned APP for the State.

MANUSHREE NESARIKAR Digitally signed by MANUSHREE NESARIKAR Date: 2024.02.22 16:08:14 +0530

3. At the outset, learned APP seeks adjournment as the Investigating Officer is not present. Therefore, today I am adjourning the matter. Since the matter is being adjourned, I have heard learned Senior Counsel appearing for the Applicant for consideration of ad-interim relief.

4. The FIR is lodged by one Arvindkumar Gupta. He has stated that he had constructed a residential complex at Plot No.285, T.P. Scheme 1, Panvel, District Raigad, in the year 2003. Since 2008, the residents had formed a co-operative society. According to the first informant, in that complex in a building named as Dwarkamai, shop Nos.19 and 20 were owned by him. But since he and his son were extremely busy in his business, those shops were kept locked. The informant could not visit his shops at all. In the year 2022 somebody from the complex informed him that those shops were occupied by the present Applicant and he was conducting some business in those shops. When the informant went to the shops and questioned him, he

threatened the informant. According to the first informant, he had not sold his shops to anybody including the Applicant. It is alleged that the Applicant prepared forged documents and obtained electricity connection and entered his own name as the tax payer in respect of those two shops. On this basis, the FIR is lodged.

5. Learned Senior Counsel for the Applicant submitted that it is highly unbelievable that from 2008 till 2022, the informant had never visited those shops. He submitted that before lodging of the FIR the police had conducted the preliminary enquiry, in which the informant's statement was recorded. The case of the informant in the present FIR as compared to the statement recorded in that inquiry is totally contrary. In the FIR itself it is mentioned that the Applicant's brother was a material supplier and he had purchased some material from the informant and in that connection, he had paid amount of Rs.4 lakhs to the informant. However, in his earlier statement, during the enquiry the informant had stated that the

Applicant himself had met him in 2002 and had given Rs.4 lakhs through cheques for purchasing those shops. Those shops were to be purchased for Rs.30 lakhs and he has not paid the balance amount. Thus, these two stories are completely contrary. There is inordinate delay from 2008 to 2024 in lodging the FIR.

6. Considering these submissions, learned Senior Counsel for the Applicant has made out a case for grant of ad-interim relief. He also seeks permission to file additional documents.

7. Hence, the following order :

O R D E R

(i) The Applicant is permitted to file additional affidavit in support of his application along with the necessary documents.

(ii) In the event of his arrest in connection with C.R.No.10/2024, dated 05/01/2024, registered with Panvel City Police Station, Navi Mumbai, till the next date, 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.

(iii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

(iv) This order shall operate till 27/03/2024.

(v) Stand over to 27/03/2024.

(SARANG V. KOTWAL, J.)