

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

ANTICIPATORY BAIL APPLICATION NO. 1053 OF 2024

Tabrez Ajim Shaikh

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Kedar J. Patil a/w. Sakshi S. Kadam and Pratik Tare i/b. Sakshi S. Kadam for Applicant.

Ms. Poonam P. Bhosale, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 18 APRIL 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.264 of 2023 registered at Uran Police Station, Navi Mumbai, on 31.12.2023, under Sections 420, 467 and 468 of the Indian Penal Code.

2. Heard Mr. Kedar Patil, learned counsel for the applicant and Ms. Poonam Bhosale, learned APP for the State.

3. The F.I.R. is registered by one Mohammad Hanif Mohammad Iqbal Bakshi. He has stated that, he was a Trustee of

Pir Saheb Sayyad Rahimuddin Darga (Shakkar Pir), at mouje Chanje, Mulekhand, Taluka Panvel, District Raigad, since 2006. He has stated that the Trust had 19 acres of land in that village. There were 6 to 7 families whose names were mentioned as *kul*. The Trust had entered into a compromise with them and had obtained those lands. The Trust had made an application before the WAKF Board, Aurangabad in the year 2007 for developing that land. Three developers submitted their tenders. The tender of M/s. Star Developers was accepted in the year 2009. It is mentioned that, WAKF Board had permitted to develop that land and to give it on lease. Accordingly, different purchasers were given the plots made on that land for the lease of 99 years. There were about 100 houses built on that land and they had formed a cooperative housing society.

4. In May 2023, three persons namely Naim Ansari, Mohammad Ansari and Naim Sami approached the Secretary of the society for permitting them to be registered as members of the society. They were asked to produce the lease agreement. They produced it. It was realized that the present applicant had used the

documents in respect of survey No.53/3 which formed part of the lands of the Trust and had given that land on lease to those three persons for Rs.9 lakhs. According to the first informant, the applicant had obtained pecuniary benefit without having any rights and for that purpose he had relied on the forged documents.

5. Learned counsel for the applicant submitted that the informant himself had committed the fraud. The persons associated with the informant and the informant himself had sold those plots to various people when they had no permission from the WAKF board. Learned counsel relied on the letter issued by the Maharashtra State WAKF Board, Aurangabad dated 18.08.2023 addressed to the Sarpanch of village Chanje, wherein, it is mentioned that the WAKF Board had not issued any no objection certificate in respect of the transactions pertaining to those lands. The letter includes Survey No.53/3 which allegedly the applicant had given on lease to two others. Learned counsel submitted that the said letter shows that, even the Trust had no authority to give any land on lease without the NOC from the WAKF board and yet the informant and others had given many plots to various people

fraudulently. Thus, the informant himself has committed the offence.

6. Learned counsel also relied on the tripartite agreement regarding lease of the plot on survey No.53/3. That agreement is dated 28.05.2018. It is also signed by the first informant on behalf of the Trust. Learned counsel submitted that the applicant has based his rights on this agreement. There are clauses in that agreement that the Trust had no objection for giving that property on rent. In spite of this background, a false allegation is made against the applicant.

7. Learned APP submitted that, she does not have full instructions as the investigating officer is not present. She is seeking time to respond to the submissions made by the learned counsel for the applicant.

8. In this view of the matter, till the next date, the applicant's prayer for ad-interim relief will have to be considered. Based on the submissions made by the learned counsel for the applicant, which are mentioned herein above, the applicant has

made out a case for grant of ad-interim relief.

9. Hence, the following order.

ORDER

- i) In the event of his arrest in connection with C.R.No.264 of 2023 registered at Uran Police Station, Navi Mumbai, till the next date, 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) This order shall operate till 19/06/2024.
- iii) The Applicant shall attend the concerned Police Station from 06/05/2024 to 08/05/2024 between 1.00p.m. to 5.00p.m. and thereafter as and when called and shall cooperate with the investigation.
- iv) Stand over to 19/06/2024.

(SARANG V. KOTWAL, J.)