

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1608 OF 2024**

Intekhab Amanullah Poonawala	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1609 OF 2024**

Vasim Amanullah Poonawala	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Vresh Purwant for applicants in both applications.

Mr. Tanveer Khan, APP for respondent-State.

Ms. Sarita N. Musale, API, EOW, Palghar.

CORAM : MANISH PITALE, J.

DATE : 25th JUNE, 2024

P.C. :

. Heard learned counsel for the applicants and the learned APP for the respondent-State.

2. The applicants in these two applications are brothers and they apprehend arrest in connection with FIR No.0003 of 2024 dated 13.01.2024 registered at Police Station Tarapur, District Palghar for offences under Sections 120-B, 406, 420, 465, 467, 468 and 471 read with 34 of the Indian Penal Code, 1860 (IPC) and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act, 1999.

3. The learned counsel for the applicants submits that although the applicants have been named as accused persons in the FIR, the statement of the informant leading to registration of FIR does not ascribe any specific role

to the applicants. It is submitted that the grievance of the informant appears to be that he was sold land in 'no construction zone' by a company called Skyline Trading and Export Private Limited, without making the informant aware about the fact that construction could not be carried out on such land. The construction of the informant was demolished and this gave a cause of action to approach the police. It appears that the allegation against the accused persons, including the director of the said company, was that the documents were illegally got executed from the original owner, which was a fishermen's society.

4. The police has carried out investigation and statements of witnesses have been recorded. The learned APP relies upon statements of witnesses that show the applicants having sold such pieces of land to individuals, who also suffered the same fate as the informant. It is alleged against the applicants that they received huge sums of money, while executing such alleged documents of sale and that too, by executing only notarized documents.

5. In order to refute the said allegations, the learned counsel for the applicants submits that the applicants themselves are as much victims as the informant, since they purchased the land from the aforesaid company. As regards the applicant Intekhab Amanullah Ponawala concerning Anticipatory Bail Application No.1608 of 2024, it is submitted that even the signature of the said individual is not found on the alleged illegal documents.

6. This Court has considered the rival submissions in the light of the documents placed by the learned APP for perusal of this Court. During the course of investigation, certain documents have come on record indicating the possible role of the applicants, including a document styled as an agreement for sale showing the applicant Vasim Amanullah Ponawala as a

co-purchaser with accused No.2 Parvez Chunawala, who was a director of the said company. This does indicate *prima facie* involvement of the said applicant in the alleged scam of selling the land originally belonging to a fishermen's society in an illegal manner. Apart from this, there are statements of witnesses brought to the notice of this Court, who have made specific allegations against the said applicant that he received huge amounts of money and executed only notarized documents, purporting to handover certain plots of lands, without informing such innocent persons that no construction could be erected on such lands.

7. As regards the applicant Intekhab Amanullah Ponawala, although the document placed on record at page nos.62 to 67 alongwith the application, does not show his signature, the signature of the applicant Vasim Amanullah Poonawala is *prima facie* found on the said document and since the allegation against the applicant Intekhab Amanullah Poonawala is identical/similar to the allegations made against Vasim Amanullah Poonawala and the investigation at this stage is indicating unravelling of a scam relating to illegal sale of lands, this Court is of the opinion that the applicants have failed to make out a case for grant of protection from arrest. The investigating authorities are entitled to take all necessary steps to enquire into and understand the *modus operandi* of the accused, including the applicants before this Court.

8. In view of the above, the applications are dismissed.

9. Needless to say that the observations made hereinabove are only for the purpose of considering the anticipatory bail applications of the applicants.

(MANISH PITALE, J)