

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

ANTICIPATORY BAIL APPLICATION NO. 1933 OF 2024

Masfira Mohamed Arif @ Masfira		
Moin Nawaz Chashmawala	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Rajendra Rathod a/w Zeeshan Sardar and Umar Dalvi for the Applicant.

Mr. R. M. Pethe, APP for Respondent-State.

CORAM: MANISH PITALE, J.

DATE : 15th JULY 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for respondent-State.

2. At the outset, it is brought to the notice of this Court that two co-accused persons have filed Anticipatory Bail Application bearing No. 2169 of 2023, wherein this Court (Coram: Amit Borkar, J.) granted interim reliefs by order dated 9th August 2023. The said co-accused persons are the purchasers of property from the applicant, her mother and sister.

3. In the present case, the informant has alleged that a bungalow located in Khandala, belonging to her father, was sold to the applicant, her mother and sister on the basis of a power of attorney, which was a forged document. The accused No.1 is the

purported power of attorney holder.

4. The documents on record show that when the registered sale deed was executed by the purported constituted attorney of the father of the informant, in favour of the applicant, her mother and sister, the said document was signed only by the mother of the applicant. It is specifically stated that at the time when the said registered sale deed was executed i.e. on 11th February 1999, the applicant was a minor and it is for this reason that she had not signed the said registered deed.

5. It is alleged that subsequently the said property was sold to the applicants in Anticipatory Bail Application No. 2169 of 2023.

6. Considering the aforesaid material, the applicant has made out a *prima facie* case in her favour.

7. In view of the above, the following interim order is passed:

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0346 of 2019 dated 03rd October 2019 registered at Vadgaon Mawal Police Station, Pune, she shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount.
- (b) The applicant shall remain present before the Investigating Officer on 18th July 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating

Officer. The applicant shall cooperate with the investigation.

- (c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

8. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

9. List for further consideration on 9th August 2024.

MANISH PITALE, J.