

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

ANTICIPATORY BAIL APPLICATION NO. 2622 OF 2024

1. Zahoor Ahmed Mohammad Yusuf
 2. Shamim Bano Maheeb Khan
 3. Sohel Ahmed Zahoor Ahmed
 4. Maheebabi Asif Khan
- ...Applicants

Versus

The State of Maharashtra & Anr. ...Respondents

SHRIKANT
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WITH

ANTICIPATORY BAIL APPLICATION NO. 2547 OF 2024

Arif Anjum Mohd. Saeed ...Applicant

Versus

The State of Maharashtra ...Respondent

- Mr. Pralhad B. Bachate (Through V.C) a/w Mr. Onkar A Wable, for Applicants in ABA/2622/2024.
- Mr. N.R. Bubna, for Applicant in ABA/2547/2024
- Mr. Mayur S. Sonavane, APP for Respondents.

CORAM : MANISH PITALE, J.

DATE : 26th SEPTEMBER, 2024.

P. C. :

1. Heard, Mr. Bachate, learned counsel for the applicants in Anticipatory Bail Application No.2622 of 2024, and Mr. Bubna, learned counsel for the applicant in Anticipatory Bail Application No.2547 of 2024 and Mr. Mayur S. Sonavane, learned APP for respondent – State.
2. The applicants herein are the then trustee (applicant in

Anticipatory Bail Application No.2547 of 2024) and the then Secretary (applicants in Anticipatory Bail Application No.2622 of 2024) of a trust in whose favour a school was transferred in the year 2013. The FIR in the present case is filed on the basis of a statement of the Deputy Education Inspector. The statement reveals that on a complaint made by one Pravin Mahajan to the Education Department, alleging that the documents pertaining to transfer of the said school to the trust, were forged and fabricated, an enquiry was conducted, which eventually led to registration of the FIR. The accused persons in the present case are the President, Secretary and trustees of the said Trust, at the relevant time i.e. the year 2013.

3. The learned counsel appearing for the applicants submit that the material on the basis of which the FIR is registered needs to be verified and at this point in time i.e. after about 11 years of the alleged forgery or cheating, it cannot be claimed that there is sufficient material to insist on taking the physical custody of the applicants. It is indicated that the applicants are well respected persons in the society and there is no flight risk insofar as the applicants are concerned. They are ready to cooperate with the investigation and that in any case, the ingredients of the offence of cheating under Section 420 of the Indian Penal Code (IPC) are not made out. It is submitted that the aforesaid act of forgery has come to light allegedly when the aforesaid transferred school was proposed to be closed down in the year 2023. It was

also indicated that the nature of the proceeding appeared more to be like a Public Interest Litigation and foisting criminal liability on the entire managing committee of the trust could be said to be farfetched.

4. The learned APP submits that the statement of the informant, leading to registration of the FIR, gives sufficient details against the applicants and the co-accused persons. At this stage, if protection is granted to the applicant, it would adversely affect the investigation and the seriousness of the offences ought to be taken into consideration.

5. It is to be noted that, according to the applicant in Anticipatory Bail Application No.2547 of 2024, being merely a trustee in the year 2013, the applicant was holding a nominal position and he was not involved in the day-to-day activities of the trust.

6. This Court is of the opinion that the investigation papers will have to be perused to understand the direction of the investigation and as to what material is available to make out a *prima facie* case linking the applicants with the alleged acts of forgery and consequent cheating as claimed by the informant. One of the applications i.e. Anticipatory Bail Application No.2547 of 2024, was listed yesterday and hearing was adjourned till today, only to facilitate the Investigating Officer to appear before this Court alongwith the investigation papers. But, due to some reasons, the

Investigating Officer is unable to remain present today.

7. This Court is of the opinion that considering the length of time between the alleged forgery and the filing of the FIR, it would be appropriate that investigation papers are perused before these applications are finally disposed of. The applicants deserve to be protected in the meanwhile, for the reason that they are individuals associated with academic institutions and it does not appear that they are a flight risk. In any case, they have undertaken to cooperate with the investigation. The material indicating the exact role of the applicants when the act of forgery is said to have taken place in the year 2013, needs to be appreciated and the same can be undertaken only when the investigation papers are made available.

8. In view of the above, there shall be interim relief in the following terms :

- (A) Till the next date of listing, in the event the applicants Zahoor Ahmed Mohammad Yusuf, Shamim Bano Maheebub Khan Sohel Ahmed Zahoor Ahmed and Maheebubabi Asif Khan in Anticipatory Bail Application No.2622 of 2024 and applicant Arif Anjum Mohd. Saeed in Anticipatory Bail Application No.2547 of 2024, are arrested in connection with FIR No.0409 of 2024, dated

02.08.2024, registered at Police Station Nashik Road, District Nashik, for offences under Sections 420 and 465 of the Indian Penal Code, 1860, they shall be released on bail, on furnishing PR Bonds of ₹ 25,000/- each one or two sureties in the like amount, to the satisfaction of the Trial Court.

- (B) The applicants shall remain present before the Investigating Officer on 30th September, 2024 and 01st October, 2024 between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
- (C) The applicants shall cooperate with the investigation.
- (D) The applicants shall not tamper with the evidence in any manner. They shall not influence the informant, witnesses or any other persons concerned with the case.

8. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

9. List the application for further consideration on **24th October, 2024, to be listed in the “Supplementary List.”**

(MANISH PITALE, J.)