

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2890 OF 2024**

Maisarah Mohammad Arif
@ Maisarah Mohammed Faisal

...

Applicant

vs.

The State of Maharashtra

...

Respondent

Mr. Aamir Koradia a/w. Mr. Mujtaba Shaikh, i/b. Mr. Rajendra Rathod for applicant.

Ms. Megha S. Bajoria, APP for respondent-State.

Mr. S. D. Ghare, ASI, EOW, Pune (Rural).

CORAM : MANISH PITALE, J.

DATE : 25th OCTOBER, 2024

P.C. :

1. By this application, the applicant is seeking anticipatory bail in connection with FIR No.0346 of 2019 dated 03.10.2019, registered at Vadgaon-Maval Police Station, District Pune Rural, for offences under Sections 420, 467, 468, 471 and 447 read with Section 34 of the Indian Penal Code, 1860.

2. It is pointed out that the co-accused i.e. sister of the applicant had also approached this Court, whose role was stated to be the same as that of the present applicant. Initially, interim relief was granted to the sister of the applicant and eventually, her application for anticipatory bail was allowed by order dated 09.10.2024.

3. On the ground of parity, the applicant is seeking relief. But, it is pointed out that the applicant is a resident of Australia. She has not co-

operated with the investigation, although her presence is required for her sample signature, etc.

4. The learned counsel for the applicant submitted that the applicant will be visiting India in December 2024 and before that, she is ready to virtually appear before the investigating officer.

5. 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.

6. The documents on record show that when the registered sale deed was executed by the purported constituted power of 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 submitted that when the document in question was notarized in the year 1992, the applicant was a minor. But subsequently, when it was registered in February 1999, the applicant had turned major.

7. In view of the above, while keeping the present application pending and in the light of the statement made on behalf of the applicant that she would be visiting India in December 2024, this Court is inclined to grant interim relief.

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

(a) The applicant shall appear before the investigating officer through

virtual mode on 28.10.2024 at 10:00 a.m. IST. Thereafter, the applicant shall appear through virtual mode to co-operate with the investigation as and when directed by the investigating officer.

- (b) For the sake of convenience and for co-ordination of the applicant with the investigating officers, their names and mobile numbers are as follows:
 - (i) Mr. Ramaghare, Police Inspector – 70200 84080
 - (ii) Mr. Shinde, Police Head Constable, EOW – 96375 43835
- (c) The applicant, on visiting India in December 2024, shall specifically remain present before the investigating officer as directed by the investigating officer and she shall co-operate with the investigation.
- (d) the applicant shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence. He shall co-operate with the investigation.

9. Upon the applicant abiding by the above-stated directions, no coercive action shall be taken against her, during the pendency of the present application.

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

11. List this application on 09.12.2024 High on Board, to verify as to whether she has appeared before the investigating officer through virtual mode to co-operate with the investigation. Further orders shall be passed on the next date of listing.

(MANISH PITALE, J)