

(This order is modified as per order dated 9th August 2024.)

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

BAIL APPLICATION NO. 2511 OF 2022

Parveen Mohammed Bilal Khan ... Applicant
Versus
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO. 1675 OF 2024
AND
INTERIM APPLICATION NO. 3848 OF 2022
(Not on board. Taken on board.)
IN
BAIL APPLICATION NO. 2511 OF 2022**

Mr. Wesley Menezes a/w Steven Anthony, Waqar Pathan and Ayan Bhattacharya for the Applicant.

Mr. Prasanna P. Malshe, APP for Respondent-State.

Mr. Gaurav Sharma (through V.C.) a/w Akshay R. Kulkarni i/by Avyuktaa Legal for Intervenor in IA/3848/2022.

Mr. Shriram Ghodake, API, Unit IX, DCB, CID, Bandra (West).

**CORAM: MANISH PITALE, J.
DATE : 2nd JULY 2024**

P.C. :

. Heard learned counsel for the applicant, learned APP for respondent-State and learned counsel appearing for the Intervenor (original informant).

2. The applicant is one of the accused persons concerning C.R. No.7 of 2021 registered at office of the DCB, CID Univ No. IX, Bandra (West), for offences under Sections 419, 420, 465, 467, 468, 471, 474, 120-B read with 34 of the Indian Penal Code,

1860 (IPC) and Sections 51, 52, 63, 68A and 69 of the Copyright Act, 1957.

3. Earlier bail applications moved by the applicant before and after filing of the charge-sheet were rejected by the Sessions Court. The FIR was registered on 7th October 2020 and the applicant was arrested on 17th November 2021.

4. The allegation against the applicant and other co-accused persons is that on the basis of forged and fabricated agreements/documents, the films in which the informant has rights were broadcast on channels, thereby causing huge financial losses to the informant and his company. It is specifically alleged against the applicant that she was instrumental, as proprietor of one Zoya Films, in creating such forged and fabricated documents, on the basis of which popular films, in which the informant has rights, were broadcast on various channels, leading to registration of offences under the provisions of the IPC and the Copyright Act.

5. The learned counsel for the applicant at the outset, emphasized that the applicant has remained behind bars for about two years and eight months. She is a woman, which is a consideration under Section 437 of the Code of Criminal Procedure, 1973 (Cr.P.C.) for the prayer of bail made in the present application. It is further brought to the notice of this Court that out of 13 accused persons in the present case, two accused persons are absconding, two have expired and the other

accused persons were either enlarged on bail or they were granted anticipatory bail or they were not charge-sheeted at all. The charge-sheet was filed in February 2022. This Court is informed that charge is yet to be framed in the present proceeding.

6. The learned counsel for the applicant submits that although there are indeed observations in the orders passed by the Sessions Court while rejecting the bail applications of the applicant, *inter alia*, observing that the applicant appears to be the main culprit and mastermind in the present case, considering the fact that most of the evidence in the facts of the present case would concern documentary material and the fact that the applicant has already undergone incarceration for about two years and eight months, this Court may consider enlarging her on bail as she is ready to abide by conditions that may be imposed by this Court.

7. The learned APP submitted that the other co-accused persons are indeed enlarged on bail or they were granted anticipatory bail and two of the accused persons are still absconding. It is submitted that the role of the applicant is evident from the material on record as also the observations made in the Sessions Court orders while rejecting the applications for grant of bail. The offences are serious and therefore, this Court may not favourably consider the present application.

8. The learned counsel appearing for the Intervenor (informant) submits that judicial findings given in the orders

passed by the Sessions Court repeatedly rejecting the bail applications of the applicants, would show that she is indeed the mastermind in the present case. The applicant along with her husband, who also has criminal antecedents like the applicant of having indulged in similar offences, have the propensity of creating such fake and forged documents, thereby causing serious financial loss to victims like the informant before this Court. It is submitted that there is no question of parity, in the facts and circumstances of the present case. It is also brought to the notice of this Court that the husband of the applicant, after being granted anticipatory bail, had absconded and he could be apprehended after considerable period of time. It is submitted that although in the context of the present case, he was eventually granted bail in the year 2023, he is still behind bars in connection with a similar case initiated by another production house for offences under the provisions of IPC and Copyright Act. On this basis, it was urged the present application ought to be dismissed.

9. This Court has considered the material on record in the light of the rival submissions. The FIR in the present case was registered on 7th October 2020. The applicant was arrested on 17th November 2021, thereby showing that she has suffered incarceration for about two years and eight months. No doubt, the allegations against the co-accused and particularly, the applicant before this Court, are serious, which have led to registration of the aforesaid offences, but, the seriousness of the offences cannot be

the only consideration while considering the prayer for bail of the applicant before this Court.

10. There are indeed observations of the Sessions Court in orders passed before and after filing of the charge-sheet, to the effect that the applicant appears to be the mastermind as she is proprietor of Zoya Films, which caused creation of such forged and fabricated documents, ultimately leading to financial losses to the informant.

11. Nonetheless, this court cannot be oblivious of the fact that the applicant has remained behind bars for about two years and eight months. She is a woman and law itself, in terms of the proviso to Section 437(1) of the Cr.P.C., stipulates special consideration for women when the question of bail is considered by the Court.

12. It is also a matter of record that the most of the accused persons were either granted anticipatory bail or they were enlarged on regular bail. In fact, two accused persons being advocates were not even charge-sheeted, while they were also granted anticipatory bail. The role of the accused persons appears to be different and the material presently on record indeed indicates that the applicant and her husband were in the thick of things in this particular case and other allegations pertaining to forgery and fabrication have been made specifically against them.

13. At the same time, the nature of allegations indicate that eventually, during the trial the matter would revolve around documentary evidence, which is already in the custody of the Investigating Authority. Therefore, this Court is inclined to favourably consider the present application.

14. The apprehensions expressed by the APP and the learned counsel appearing for the Intervenor about chances of the applicant absconding or she indulging in similar activities upon being released on bail, can be addressed by imposing stringent conditions on the application. Another consideration in such cases is the time likely to be consumed in completion of the trial. It is an admitted position that even as on today, the charge has not been framed and it is evident that the trial itself will take considerable period of time.

15. In that light of the matter, the application is allowed in the following terms :

- (a) The applicant shall be released on bail in connection with C.R. No. 7 of 2021 registered at office of the DCB, CID Univ IX, Bandra (West), on furnishing P.R. Bond of Rs.50,000/- and one or two sureties in the like amount to the satisfaction of the concerned Court.
- (b) The applicant shall report to the office of DCB, CID Unit IX, Bandra (West), on the second and fourth Monday of each month between 10:00 a.m. and 12:00 noon, till

completion of the trial.

- (c) The applicant shall not indulge in any activity similar to one on the basis of which the offences in the present case have been registered against her. She shall in no manner, deal with the films in which the informant has rights or interest.
- (d) The applicant shall attend the trial Court on each and every date, unless specifically exempted by the trial Court.
- (e) The applicant shall not tamper with the evidence of the prosecution and she shall not influence the informant, witnesses or any other person concerned with the case.
- (f) The applicant, upon being released on bail, shall place on record of the trial Court the details of her Contact Number and residential address with updates in case of any change.

16. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

17. The trial Court is directed to hear and dispose of pending discharge applications within eight weeks from today.

18. The application is disposed of.

19. In view of the disposal of the bail application, Intervention Application bearing No.3848 of 2022 as also Restoration Application bearing No.1675 of 2024 stand disposed of.

MANISH PITALE, J.