



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 528 OF 2024

Juned Shanu Sheikh Sabir Vs State of Maharashtra.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.N. Ali, counsel for applicant.

Mrs. M.A. Barbde, APP for non-applicant/State.

Mr. R.S. Nayak, counsel for Assist to Prosecution.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 22/08/2024.

1. Apprehending the arrest at the hands of police, in connection with Crime No.646/2024 registered with Police Station Pandharkawada, District Yavatmal for the offence punishable under Sections 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. Learned counsel for the applicant submitted that, as per the allegation in the FIR, the co-accused, namely Sheikh Jalil Sheikh Gafur, has executed the sale-deed in favour of the complainant by impersonating the original owner. As far as the present applicant is concerned, the only allegation against him is that he has acted as a broker-cum-witness and received the amount of Rs. 50,000/-. He submitted that the applicant has already deposited the said amount before this Court. As far as the custodial interrogation is concerned, nothing is to be recovered from the present applicant, as he has acted only as a broker-cum-witness, therefore, the

ad-interim protection granted to him deserves to be confirmed.

3. Learned APP and learned counsel for the complainant submitted that involvement of the present applicant is cheating as well as impersonating the original owner, reveals from the statements of the witnesses, therefore his custodial interrogation is required. In view of that, ad-interim protection deserves to be rejected.

4. After hearing learned counsel for both the parties and on perusal of investigation papers, it reveals from the statement of the witnesses shows that, the co-accused has executed the said sale-deed by impersonating the original owner. As far as present applicant is concerned, the statement disclosed that he has received the amount of Rs. 50,000/- from the said transaction, which he has already deposited before this Court. Considering that, voluntarily, he has deposited the amount which he has received in the said transaction, his further custodial interrogation is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a) The application is **allowed**.
- b) In the event of arrest, the applicant –**Juned Shanu Sheikh Sabir**, shall be released on anticipatory bail, in connection with Crime No.646/2024 registered with Police Station Pandharkawada, District Yavatmal for the

offences punishable under Sections 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code, on executing a P.R. Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

- c) The applicant shall attend the concerned police station once in a week on Sunday between 10.00 a.m. and 1.00 p.m., till filing of the charge-sheet and shall cooperate with the investigating agency.
- d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

[URMILA JOSHI-PHALKE, J.]