



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

934 ANTICIPATORY BAIL APPLICATION NO. 562 OF 2024

1. Ifteqhar Ahamad Mahboob Khan,
2. Mohd. Amjad s/o Abdul Rahim.

VERSUS

1. The State Of Maharashtra,
2. The Superintendent of Police, Nanded.

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Advocate for Applicant : Mr. Shaikh Sohail Subhedar

APP for Respondents-State: Mr. A.A.A.Khan

Advocate for Assist to APP : Mr. V. U. Pawar

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CORAM : ARUN R. PEDNEKER, J.

Dated : February 26, 2025.

PER COURT :-

1. Heard learned counsel for the applicants, the learned APP for the respondent-State, and the learned Counsel Assist to APP.
2. The applicants are apprehending arrest in connection with FIR No.0046/2024, dated 16/02/2024, registered at Itwara Police Station, District Nanded, for the offences punishable under sections 420, 467, 468, 469, 471, 294, 506 read with 34 of the Indian Penal Code.
3. This Court, by order dated 08/04/2024, granted interim protection to the applicants.
4. The case against the applicants is that a lady at the instance of the applicant has impersonated one Miss. Ummul Khair Shaikh to execute a sale deed in favour of the applicant. Thereafter, the applicant sold the land to a third party. The informant is the nephew

of Ummul Khair Shaikh, in whose favour a power of attorney was executed to manage the land. Upon visiting the land, the informant discovered that it had been disposed of by impersonating Ummul Khair Shaikh, leading to the registration of the present FIR.

5. The learned counsel for the applicants submits that the sale deed in favour of the applicants, as well as the earlier sale deed in favour of Ummul Khair Shaikh, both bear the thumb impression of Ummul Khair Shaikh. However, the power of attorney executed in favour of the informant bears her signature. This discrepancy raises a serious dispute regarding the authenticity of the power of attorney, on the basis of which the present FIR has been registered.

6. The learned Counsel for the applicants submits that the original documents are already in the possession of the Investigating Officer, and since the entire evidence is documentary in nature and is already available with the Investigating Officer, no custodial interrogation of the applicants is necessary. He further submits that this Court granted interim protection to the applicants, and they have cooperated with the investigation.

7. *Per contra*, the learned APP submits that the person who

appeared before the Registering Authority did so with an identity card, but it is unclear who the exact lady is.

8. Considering the above facts and the fact that the original documents are already in the possession of the Investigating Officer and the entire evidence is documentary in nature, no custodial interrogation of the applicants is necessary. The interim protection granted by this Court to the applicants is confirmed.

9. In view of the above, the application is allowed in the following terms : -

i] In the event the applicants are arrested in connection with FIR No.0046/2024, dated 16/02/2024, registered at Itwara Police Station, District Nanded, for the offences punishable under sections 420, 467, 468, 469, 471, 294, 506 read with 34 of the Indian Penal Code, they shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicants shall attend the police station as and when called by the police.

iii] The applicants 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.

iv] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

10. In the event, the applicants violates any of the conditions specified in this order, it shall be liable to be cancelled.

11. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

12. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.