



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 ANTICIPATORY BAIL APPLICATION NO. 1853 OF 2023

FEROZ AHMED KHAN IQBAL AHMED KHAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. C. C. Deshpande, Advocate for Applicant
Mr. S. B. Jadhav, APP for the respondent/State
Mr. Vriishab Patil h/f Mr. S. S. Jadhav, Advocate for the informant

CORAM : R. M. JOSHI, J.

DATE : 10th JANUARY, 2025

PER COURT :-

1. Learned counsel for the informant seeks leave to place on record certain document. He causes his appearance on behalf of the informant on 6th November, 2023. This application is pending for more than a year. This Court, therefore, refused to grant leave. Hence, parties are directed to work out the matter.

2. Applicant apprehends arrest in connection with Crime No. 299/2023, registered with Jinsi Police Station,. Tq. and District Aurangabad for the offences punishable under Sections 406, 420, 467, 468, 471, 506 of the Indian Penal Code.

3. The sum and substance of the first information report lodged by the Meharunisa is that the present applicant had assured the

informant and the others who are the co-owners of the subject property of helping them to receive the compensation in respect of the acquisition of land. It was also assured by him that he will help them to get TDR. It is alleged against the applicant that he prepared bogus documents and the said property was transferred in him name.

4. Learned counsel for the applicant has drawn attention of the Court to the various documents such as earnest receipt dated 16/03/2017, hiba dated 12/02/2018 and complaint lodged by the informant along with present applicant dated 17/08/2020. It is his submission that all these documents executed by the informant clearly shows that there is no substance in her allegation against him. He submits that documents are already handed over to the Investigating Officer and that the applicant has co-operated the investigation.

5. Learned APP and learned counsel for the informant opposed the application. It is the contention of the learned counsel for the informant that by misappropriation the said documents were obtained by the applicant from informant. He also claims that applicant has criminal history behind him.

6. *Prima facie* perusal of the record indicates that the informant herself executed the documents in the year 2017, 2018 and 2020. The

first information report is lodge on 07/10/2023. There is absolutely no explanation for not lodging report immediately after the informant realized that by way of misrepresentation the document of earnest receipt was obtained. This Court, therefore, finds *prima facie* substance in the contention of the learned counsel for the applicant that on the face of it, this is a false report.

7. The applicant has co-operated in the investigation. All documents are already recovered and hence, his custodial interrogation is not necessary. Hence, application stands allowed in terms of interim order dated 06/11/2023 except for the condition of attendance.

(R. M. JOSHI, J.)

ssp