



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

...
Adv. Rajendra Rathod a/w Sohail Ahmed, Sameer Marchant &
Muddassir Ansari for the Applicant.
Adv. Amit A. Palkar, APP for the State.
...

CORAM : RAJESH S. PATIL, J.
DATED : MARCH 11, 2025

P.C.:

1. By order dated 25 October 2024, interim protection was granted to the present applicant. For ease of reference, the order dated 25 October 2024 is reproduced herein below :

“ 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.”

2. 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.

3. The learned counsel for the applicant submits that the crime as registered mentions about an alleged transaction when the present applicant was minor. As of date, charge-sheet has been filed against the mother and sister of the present applicant. The mother of the present applicant has been granted anticipatory bail by this Court. The applicant is married and is residing in Australia. The applicant has co-operated with the police.

4. The learned APP submits that the present applicant is residing in Australia. She has been attended the office of the investigating officer by physically and also by virtually. She has co-operated with the police and as of now, the police do not require her custody. The learned APP further submits that the applicant has also handed over her sample signature.

5. Taking into consideration the fact that the applicant has co-operated with the police and as of date, the police do not require her custody, according to me, a case is made out to grant the anticipatory bail application of the present applicant. Hence, I pass the following order.

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with C.R.No.346/2019 registered with Vadgaon-Maval Police Station, the applicant shall be released on bail, on furnishing P.R. bond to the extent of Rs.30,000/- with one or two sureties of the like amount.

(c) The applicant shall attend the investigating officer of the concerned police station as and when called for.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade her from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(e) The applicant shall furnish details her contact details and email address to the Investigating Officer.

6. **The anticipatory bail application is disposed off as allowed.**

(RAJESH S. PATIL, J.)