

MHCC020175422022



**IN THE COURT OF SESSIONS FOR GREATER MUMBAI AT MUMBAI  
ANTICIPATORY BAIL APPLICATION NO.2866 OF 2022**

Dr. Munir Abdul Latif Gazi  
Age : 65 years, Occ.: Tax Consultant,  
R/at: 112, 1<sup>st</sup> Floor, Mehta House,  
Plot No.68, Girgaum Chowpathy,  
Mumbai – 400007.

...Applicant/Accused

Vs.

The State of Maharashtra  
(Through Gamdevi Police Station)

...Respondent/State

**Appearance :-**

Mr. Aabad Ponda @ Muddassar Bagadia, Ld. Advocate for applicant/accused.  
Ms. Ratnavali Patil, Ld. APP for the Respondent/State.  
Mr. Pinaz Contractor @ Bharat Jain, Ld. Advocate for intervener.

**CORAM : H. H. THE ADDL. SESSIONS JUDGE,  
SHRI A.A. KULKARNI (C.R. NO.24)  
DATED : 7<sup>TH</sup> JANUARY, 2023**

**( O R A L O R D E R )  
(Dictated and pronounced in the open Court)**

This is an application under Section 438 of Cr. P.C. for anticipatory bail. Heard Ld. Advocate for applicant and Ld. Advocate for the intervener. Perused the application, say and documents on record.

2. The Ld. Advocate for applicant submitted that on the information of informant Rajendra Mehta, Gamdevi police station registered Crime No.564/2022 for the offence punishable under Section 420 of IPC. Therefore, applicant is having apprehension of arrest. It is further contended that police issued notice to applicant on 27.12.2022 under Section 41-A of Cr. P.C. In brief, it is alleged by informant that on 8.09.2022 Deputy Registrar of Co-operative Society, D Ward, Mumbai passed order in respect of Mehta House Premises Co-operative Society Ltd. And appointed Administrator to look after affairs of the society. In spite of this fact, applicant who was Ex-Chairman of the society, issued cheques for the payment of amount of Rs.8,30,174/- during period of 8.09.2022 to 17.10.2022. It is further contention of Ld. Advocate for applicant that though orders were passed on 8.09.2022, Administrator took charge of the affairs of the society on 17.10.2022 and during period of 8.09.2022 to 17.10.2022 applicant was Chairman and he issued cheques towards payment of various expenses incurred by the society. Therefore, prima facie no offence is committed by applicant. It is further contended that applicant is Tax Consultant, a reputed person of the Society. If he is arrested, he will suffer unnecessary harassment. Hence, prayed for grant of bail in the event of his arrest. Ld. Advocate for applicant relied on relevant documents in respect of his contention.

3. Investigating officer filed say and opposed application. It is his contention that applicant is ex-officer bearer of the society and he has misappropriated funds of society collected for maintenance and tax. Applicant is not given document as asked by the investigating officer. Therefore, for the purpose of collection of evidence presence of applicant is necessary. Hence, prayed for rejection of application.

4. Original informant appeared and filed intervention application alongwith documents. It is his contention that applicant is not entitled for grant of anticipatory bail. If applicant is released on bail, there is possibility of tampering of evidence. Hence, prayed for rejection of application.

5. In view submissions of both the sides and documents on record, prima facie it is clear that Administrator has been appointed by Deputy Registrar by its order dated 8.09.2022. Further, document on record shows that Administrator appointed by Deputy Registrar took charge of the affairs of the society on 17.10.2022. In view of such submissions now documents are with Administrator appointed by Deputy Registrar. As per expenses shown, prima facie there is no record of utilization of funds by applicant for his own. In such circumstances, I am of the opinion that if the applicant is arrested, he will suffer unnecessary harassment. There is no need of custodial interrogation of applicant as case is based on documentary evidence. Therefore, in view of fact and circumstances and allegation and background of dispute between informant and applicant, in the event of arrest applicant is entitled to be released on bail. Hence, I pass the following order :-

**ORDER**

1. Anticipatory Bail Application No.2866 of 2022 is allowed.
2. In the event of arrest in Crime No.564/2022 registered with Gamdevi police station, the applicant Dr. Munir Abdul Latif Gazi be released on bail on execution of P.R. bond of Rs.25,000/- with one or two sureties in the like amount on following conditions :-
  - a) Applicant shall attend Gamdevi police station on notice of investigating officer and co-operate him in investigation.
  - b) Applicant shall not directly or indirectly, make any inducement,

threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.

- c) Applicant shall not leave India without previous permission of the Court.
3. Anticipatory Bail Application No. 2866 of 2022 is disposed of accordingly.



Date : 7.01.2023.

**[A.A. KULKARNI]**  
**ADDITIONAL SESSIONS JUDGE**  
**GREATER MUMBAI**

<b>“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”</b>		
<b>Upload Date</b>	<b>Upload Time</b>	<b>Name of Stenographer</b>
<b>10.01.2023</b>	<b>12.40 p.m.</b>	<b>PRAJWALA V. PHODKAR</b>

<b>Name of the Judge (With Court Room No.)</b>	<b>HHJ SHRI. A.A. KULKARNI (CR 24)</b>
<b>Date of Pronouncement of JUDGMENT /ORDER</b>	<b>7.01.2023</b>
<b>JUDGMENT /ORDER signed by P.O. on</b>	<b>9.01.2023</b>
<b>JUDGMENT /ORDER uploaded on</b>	<b>10.01.2023</b>