

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.189 OF 2015

Sudam Manohar Parab	...Applicant
vs.	
State of Maharashtra	...Respondent

Ms. Shubhada Khot, Advocate for the Applicant.
Mrs. A.A. Mane, APP for the State.

CORAM : P.D. KODE, J.

DATE : FEBRUARY 11, 2015

P.C.

. Heard.

2. The learned APP opted to argue the matter on the basis of papers of investigation rather than filing say.

3. By this application the applicant apprehending the arrest in connection with C.R. No. 77 of 2012 of Waliv police station, Vasai for the offences punishable under Sections 420, 464, 465,

462, 468 and 471 read with 34 of Indian Penal Code has prayed for pre arrest bail.

4. The gravamen of the accusation in F.I.R. lodged by one Rajendra Pratap is to the effect that he has sold an ancestral lands vide Sale Deed dated 17/11/2011 in favour of M/s. Viva Holding for the value of Rs. 32 crores. It reveals that lateron he received information that one Onil Pratap by preparing forged Power of Attorney by the assistance of other co-accused has sold the said property to the applicant for the value of Rs. 11 crores. The crime in question has been registered on 08/04/2012. The perusal of F.I.R. does not reveal any role allegedly played by the applicant besides himself being purchaser for the value of the said property.

5. The learned APP opposed the prayer for bail on the ground that the applicant was absconding since registration of the offence. Upon

specific query, the learned APP was not able to show any proceeding taken by the investigating officer during the period of two years for obtaining non bailable warrant against the applicant and thereafter proclamation and attachment of the property. Apart from it, the learned APP has not been able to point out any material from the papers of investigation showing involvement of the applicant either in preparation of forged Power of Attorney or for any other act on part of applicant for which the property being conveyed by the said Power of Attorney to the applicant.

6. In the said premises, it is difficult to perceive that custodial interrogation of the applicant is necessary for completion of investigation in the crime. It is difficult to accept that such custodial interrogation would be necessary as the applicant is said to be possessing

the original Power of Attorney. Even a clue regarding the same is said to have been received from accused No. 1 Onil Ramesh Pratap. Besides the said statement of co-accused, no other material is pointed out for accepting the said contention that the applicant is having said Power of Attorney. At any rate, there are other modes for obtaining copy of the Power of Attorney.

7. Thus in the said premises, the prayer for pre arrest bail deserves consideration. Resultantly, the application is allowed.

8. The investigating officer of aforesaid crime is hereby directed that in event of arrest of the applicant he be forthwith released on bail upon furnishing P.R. Bond in sum of Rs. 10,00,000/- (Ten lacs) with one or more sureties to make up like amount and subject to the conditions of applicant

(i) staying at the address mentioned in the

application,

(ii) attending the investigating officer on every Monday for a period of one month and thereafter on every alternate Monday for next month and thereafter on every first Monday of the month in between 11.00 am to 1.00 pm. and so also on any other day on which he would be summoned by the investigating officer for the purpose of investigation.

(iii) not directly or indirectly making any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him/her from disclosing such facts to the investigating officer and

(iv) not misusing the protection granted by this order for fleeing away or for any other oblique purpose.

Application stands disposed of.

(P.D. KODE, J.)