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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1033 OF 2015

Ravi Kishanchand Jagasia	... Applicant
Vs	
The State of Maharashtra	... Respondent

Mr. Shirish Gupte, Senior Counsel, a/w Mr. Meghashyam Kocharekar
for the Applicant.

Ms. P. P. Shinde, APP for the Respondent – State.

**CORAM : REVATI MOHITE DERE, J.
DATE : 25th AUGUST, 2015**

P.C. :

1. Heard learned senior counsel for the Applicant and learned APP for the Respondent - State.

2. By this Application, the Applicant seeks pre-arrest bail, in connection with C.R. No. I-129 of 2015, registered with the Thane Nagar Police Station, Thane, for the alleged offences punishable under Sections 419, 420, 465, 466, 467, 468, 471, 473, r/w 34 of the Indian Penal Code.

3. A complaint was lodged on 19th February, 2015 by one Anil Lalwani to the Commissioner of Police, Thane, alleging that 'M/s.Diamond Plaza Lodging and Boarding, had forged and fabricated the 'NOC Certificate' of the Fire Brigade and on the basis of the said fabricated document i.e. the NOC, had obtained the licence from the police authority, to run the said lodging and boarding. Pursuant to the complaint, the police officials issued show-cause-notice to the partners of 'M/s.Diamond Plaza Lodging and Boarding, calling upon them to show cause why the permission should not be cancelled. The parties appeared before the Authority and informed that the licence was obtained through one Amar Bhatia. On enquiry by the police with the Fire Brigade Authority, it was revealed that no such NOC was issued by them. Accordingly, a complaint was lodged by Vivek Bhansali, Police Officer, as against the owners/partners of the said lodge and Amar Bhatia, alleging the aforesaid offences.

4. Learned Senior Counsel for the Applicant submitted that the applicant was a sleeping partner of 'M/s.Diamond Plaza Lodging and Boarding, Ulhasnagar'. According to the prosecution, the alleged forged

document i.e. the NOC was prepared by co-accused - Amar Bhatia, who was arrested and has been released on bail. He submitted that the alleged forged NOC was obtained by Amar Bhatia, who was working as an Agent in the said area and that the said document has been seized from him.

5. Learned APP states that the documents show that the applicant was holding 25% share in the said 'M/s.Diamond Plaza Lodging and Boarding'.

6. Be that as it may, considering the nature of allegations and the fact that the alleged forged document i.e the NOC was prepared by the co-accused - Amar Bhatia and that the said document was seized from him, the custody of the applicant is not required. The applicant deserves to be granted anticipatory bail on the following terms and conditions :-

ORDER

- i) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;
- ii) The Applicant shall not tamper or attempt to influence the

complainant or any persons concerned with the case ;

iii) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are prima facie and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. Parties to act upon the authenticated copy of this order.

REVATI MOHITE DERE, J.