

*Ladda*FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 210 OF 2016

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr Vijay Killedar for the applicant.

Ms A.T.Javeri, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 29th February, 2016

P.C.

1) By a detailed order dated 3.2.2016 the applicant was granted interim relief and was directed to attend the Investigating Officer with a view to join the process of investigation. The learned APP, on instructions, submitted that the applicant did not co-operate during the process of investigation and has withheld the additional documents with him. The Investigating Agency has recorded statements of various persons.

2) The record discloses that during the course of preliminary enquiry the statement of co-accused Raju Mhatre was recorded by the police. The said person has stated that at the instance of the applicant, he had been to an advocate and executed affidavit, inter alia stating that the mother and father of Manish Masand are not alive and the said Manish Masand is the only legal heir. He has categorically stated that the said Manish Masand was not present at the time of execution of the said affidavit before the Notary. Another witness in his statement dated 2.2.2016 has reiterated what has

been stated by Raju Mhatre and has further stated that he along with the applicant had been to Nirmal Lifestyle, L.B.S.Road, Mulund in the year 2008 with respect to the sale of the land of the said witness. Said witness after looking to the photo of Manish Masand has informed the police that he met the said person at Nimal Lifestyle. That the applicant herein informed the said witness that the person to whom they met at Nirmal Lifestyle is Manish Masand. He did not have any talk with the said witness and he used to talk with the applicant herein. Said witness has further stated that at the instance of the applicant he had been to a Notary and as per the say of the applicant an affidavit was executed after purchase of a stamp paper dated 26.12.2013. On the said stamp paper at the instance of the applicant it is typed that the mother and father of the said Manish Mhatre have expired and Manish is the only legal heir to their said property. During the course of investigation till date, the applicant has not yet produced the said stamp paper and or the affidavit executed on stamp paper dated 26.3.2012. The applicant has also not produced any document pertaining to the proceeding under which the mutation entry was reversed in the name of Manish.

3) After taking into consideration the aforesaid facts, the serious allegations against the applicant and the gravity of the offence, I am of the opinion that the custodial interrogation of the applicant is necessary to unearth the truth behind the crime.

4) The application is accordingly dismissed.

(A.S.GADKARI, J.)