

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.285 OF 2016

Mahesh Lalitkumar Mehendale ... Applicant

vs.

The State of Maharashtra and Another ... Respondents

Mr. Prashant Sawant, for the Applicant.

Ms. S.S. Kaushik, APP for Respondent – State.

Mr. Ashok Mundargi, senior counsel a/w. Mr. Vinay Bhanushali,

Mr. Sachin Mahagaonkar and Mr. Niraj Malviya i/b. Divya

Shah Associates, for Respondent No. 2.

PSI. Sapkal, Matunga police station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **7th MARCH, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 420, 465, 468 and 471 of the Indian Penal Code in C.R. No. 9 of 2016 registered with Matunga police station, Mumbai.

2. It is the case of the prosecution that the applicant/accused in order to grab room No. 2, first floor, Patil building he prepared the forged documents and entered the said room unauthorizedly and also obtained electric meter by submitting the forged documents to BEST.

He also filed bogus rent receipt of the year 2011 and no objection certificate of one Sadanand Patil.

3. The complainant Sangita Dhairyawan found that all the documents are bogus as her maternal uncle Suryakant Patil died in the year 2007 however his signature appearing on the rent receipt is of the year 2011. It is the case of the complainant that the accused has filed suit No. 2322 of 2014 for injunction against the landlady on the basis of the documents which are produced before the trial Court.

4. The learned counsel for the applicant/accused submits that he was granted interim bail before the Sessions Court and thereafter his bail was rejected on 8th February, 2016. He further submitted that this Court granted him interim bail till 15th February, 2010 and thereafter he attended the police station and cooperated. He further submitted that the applicant/accused has in fact submitted that the original photocopies of the documents to the BEST office when he wanted to obtain the electric meter. He relied on the report dated 29th January, 2016 submitted by the Sr. P.I. of Matunga police station wherein it is rightly mentioned that the landlord Suryakant

Patil has given Room No. 2 on tenancy basis for 5 years on 19th March, 2000 and he also paid some amount in the year 2003 for the purpose of repairs of the building. Hence, he submits that the interim bail be confirmed.

5. The learned prosecutor while opposing the application submitted that the custody of the applicant/accused is necessary as it is a case for the offence punishable under Sections 420, 465, 468 and 471 of the Indian Penal Code.

6. The learned senior counsel for the original complainant submitted that the documents which are filed before the Civil Court are the photocopies of the forged documents. The original documents are required for the effective investigation in this case. He further submitted that if the original documents are not acquired then the investigation will be frustrated. He submitted that the applicant /accused tried to grab R.No. 2 on the basis of these forged and bogus documents. The persons who is shown as Sadanand Patil is a fictitious person and Suryakant Patil is already dead in the year 2007 however his signature appears on the rent receipt is of 2011.

7. Perused the first information report and other documents. *Prima facie* it may be the case of forgery of rent receipt and no objection certificate however, the police on the basis of photocopies can investigate the case. There is also reference that the police have sent letter to BEST for acquiring the application made by the applicant/accused along with those documents. Therefore, I am of the view that the custody of the applicant/accused is not required for the police to investigate this case of forgery.

8. Hence, the interim order dated 15th February, 2016 is hereby confirmed with the condition that the applicant/accused shall cooperate the investigating officer in the investigation and shall attend Matunga police station as and when called by the investigating officer till filing of the charge sheet.

9. Accordingly anticipatory bail application stands disposed of.

(MRS.MRIDULA BHATKAR, J.)