

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 306 OF 2016
IN
C.R. NO. I-169 OF 2015
(DAHANU POLICE STATION)**

Mr. Sheshmani S. Yadav Applicant

Vs.

The State of Maharashtra Respondent
(At the instance of
Dahanu Police Station)

**WITH
ANTICIPATORY BAIL APPLICATION NO. 514 OF 2016**

Mr. Ajit Anant Bhoir Applicant

Vs.

The State of Maharashtra Respondent
(At the instance of
Dahanu Police Station)

Mr. Nanda Singh, Advocate for the applicant in ABA No.306 of 2016.

Mr. G.K. Gole, Advocate for the applicant in ABA No. 514 of 2016.

Smt. M.S. Jain, APP for the State of Maharashtra

Mr. Rajendra Rathod, Advocate for Respondent no.2.

Coram : N.W. SAMBRE, J.

Date : 5th December, 2016

P.C.

1 The applicants are seeking pre-arrest bail in C.R. No. I-169 of 2015, registered with Dahanu Police Station for the offences punishable under Sections 420, 465, 467, 468, 471, 120(B) of Indian Penal Code. The applicants, the practising advocates are impleaded as co-accused.

2 It is informed at bar that the investigation in the matter is already complete qua the other accused, who are already released on bail.

3 The complainant, Parvez Khodayar Raishi claimed to be owner of land at Gat No.1/1, 3 acre, 38 gunthas at Nandare, Taluka Dahanu, District Palghar, which was sold by main accused Sairas, who was a caretaker by impersonation. The co-accused Sairas got forged power of attorney, on affidavits so as to pretend himself to be Parvez, the original owner transferred, the land in question to other three co-accused and also shared benefits of around Rs.12.00 Lacs from the Railways as part of the land compensation to which they were never entitled.

4 The role attributed to the present applicants lawyers is that they have identified the main accused Sairas on an affidavit, power of attorney, which are the basic documents on which the foundation of the crime in question is led.

5 In the above background, while seeking pre-arrest bail, a submission is made that the applicants, who are professional, with no criminal antecedents are available for investigation. It is claimed that the offence in question is out of the professional duty and there were no intention to commit the crime but for some negligence. A submission is made that both the applicants have extended co-operation in the investigation by giving handwriting specimen, the other information as was required in the investigation.

6 The learned APP, who was assisted by the learned counsel for the complainant submits that the custodial interrogation is necessary as the applicants knowing fully well that there is an impersonation still proceeded to identify the accused with a criminal intention to support the commission of crime.

7 Perused the papers.

8 What could be inferred from the record as is available that entire crime as has been alleged is based on the

documentary evidence and majority part of the investigation is already complete, as charge-sheet against the co-accused who were arrested is already filed.

9 The only role attributed to the applicant is that of identifying the accused. In my opinion, once the applicants admitted signature on the said documents, whether there was an intention on their part to be actively participating in the commission of crime, does not call for any custodial interrogation.

10 The application as such is allowed. The undertaking on the part of the applicants that they shall co-operate in the investigation, if required, shall attend the Investigating Officer as and when called for giving the specimen of handwriting/signature etc. is accepted.

11 In the event of arrest, the applicants be released on P.R. Bond of Rs.50,000/- (Rupees Fifty Thousand only) each with one or two sureties in the like amount.

12 The applicants not to tamper with the evidence and/or influence the witnesses in any manner whatsoever.

(N.W. SAMBRE, J.)