

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

ANTICIPATORY BAIL APPLICATION NO. 1125 OF 2016

Tushant Kashinath Raut

.. Applicant

Versus

The State of Maharashtra & Anr.

.. Respondents

Mr. M.U. Kazi, Advocate for the Applicant.

Ms. J.S. Lohokare, A.P.P for the Respondent – State.

Mr. K.H. Rajani i/b Jaideep Thakker for Respondent No.2.

Mr. Yogesh Madhavi Gaikar, P.S.I. Bazarpet Police Station, Kalyan, present.

CORAM : N.W. SAMBRE, J.

DATED : 28th NOVEMBER, 2016.

P.C. :

1 The applicant is seeking pre-arrest bail in Crime No.161 of 2016 for the offences punishable under sections 420, 467, 468, 471 r/w. 34 of the I.P.C.

2 For an alleged incident which has taken place after 2009 till 2015.

3 The unfortunate story as is narrated in the complaint is, the mother has alleged against her son i.e. present applicant that she purchased property admeasuring 18 gunthas at Waldhuni, Shivajinagar Kalyan, along with her late husband and her real brother. The present applicant, her son forged her signature prepared an no objection and got his name mutated against the said property, resulting into registration of the crime.

4 It is brought to my notice that in a civil suit for partition and separate possession initiated by the complainant mother against the applicant an injunction is operating wherein the applicant is injected from creating third party interest in the property in question, the applicant under the ad-interim protection of this Court, has already attended and co-operated investigating agency. The learned counsel for the applicant apart from above, has volunteered that he shall in addition to the injunction order, shall furnish an undertaking in the form of an affidavit stating in clear terms that till the disposal of the suit or the outcome of the prosecution if any to be initiated in the present case, he shall not alienate the said property i.e. land admeasuring 18 gunthas located at Waldhuni, Shivajinagar, Kalyan.

5 In view of the above facts, i.e. the pendency of civil litigation for partition, the undertaking which is to be furnished by the present applicant as stated herein above, within a period of three days from today with an advance copy to the learned A.P.P. and the learned counsel for the complainant. In my opinion custodial interrogation is not required as the offence is based on documents.

8 In view thereof, the application needs to be allowed. In the event of arrest, the applicant be released on bail on executing P.R. Bond of Rs.50,000/- with one or two sureties in the like amount. The applicant shall attend police station as and when called. The applicant not to issue threat to the complainant. The applicant shall not tamper with the evidence or influence the witnesses.

9 The undertaking as observed herein above if not furnished, it will be open for the Investigating officer to move for cancellation straightaway before this Court.

(N.W. SAMBRE, J.)