

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1042 OF 2015

Mr.Holland Gonsalves ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.R.S. Kohli i/b A.M. Saraogi for the Applicant
Mrs.P.P. Shinde, APP, for Respondent – State
Mr.D.P. Rane, PSI, L.T. Marg Police Station – present

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

DATE: **MARCH 28, 2016**

P.C.:

1. The applicant-accused is prosecuted for the offences punishable under sections 448, 341, 347, 465, 466, 471, 380 r/w 34 of the Indian Penal Code in C.R. No.226 of 2015 registered on 10.6.2015 at the instance of one Ms.Yojana Gupta with the Lokmanya Tilak Marg Police station, Mumbai.

2. It is the case of the prosecution that the applicant-accused is a Secretary of one Trust, which is owned a building by name Divar Mansion, J.S.S. Marg, Mumbai. The husband of the complainant was running a gamblers' den. From 2013, the said premises was closed. The said premises was taken on rent from the Trust and the complainant has been paying rent regularly for the said premises. On 6.4.2013, she went to her

premises and found that her lock was broke open and some other lock was put on the door. The complaint was given and she broke it open. Then, again on 26.5.2015, when she went there, she found that her premises was sealed with lac and some document was pasted on the door. The said document was of some order of Metropolitan Magistrate's Court, Mumbai. However, no name or case number was written on it and she found that it was bogus. Hence, a complaint was registered against the applicant-accused that he had prepared a bogus order and seal and pasted a photocopy of some bogus order.

3. The learned Counsel for the applicant has submitted that the applicant-accused is the Secretary and he has not committed any offence. He has attended the police station. At present, the room is in the possession of the complainant.

4. Learned Prosecutor while opposing the application, produced the documents i.e., the correspondence between the Registrar of the Metropolitan Magistrate Court, Mumbai and the Investigating Officer wherein it was informed that the said seal or the document which is a photocopy of some bogus order was not issued by the Metropolitan Magistrate Court. She submitted that they require the custody of the applicant-accused to find out as to how he pasted the seal.

5. Perused the FIR. As per the allegations, it appears that a photocopy of some order is pasted on the closed door. The room was sealed with cloth and lac. However, as per the information from the prosecution, there is no seal of the Court. The applicant-accused has attended the concerned police station.

6. In the circumstances, I am of the view that custodial interrogation of the applicant-accused is not required. Therefore, I confirm the earlier order of pre-arrest bail dated 21.3.2016 with a modification that the applicant-accused shall attend the concerned police station on every Thursday from 6pm to 8pm for a period of one month or till filing of chargesheet, whichever is earlier.

7. Anticipatory Bail Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)