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

ANTICIPATORY BAIL APPLICATION NO. 1460 OF 2016

Aturi Rama Nagabhushanam & Anr.	.. Applicants
Vs.	
The State of Maharashtra	.. Respondent

**WITH
CRIMINAL APPLICATION NO. 930 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO. 1460 OF 2016**

Mr. Kedar Chandrakant Nerurkar	.. Intervener
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In the matter between

Atul Rama Nagabhushanam & Anr.	.. Applicants
Vs.	
The State of Maharashtra	.. Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1401 OF 2016**

Mr. Sayed Hussain & Ors.	.. Applicants
Vs.	
The State of Maharashtra & Anr.	.. Respondents

**WITH
CRIMINAL APPLICATION NO. 929 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO. 1401 OF 2016**

Mr. Kedar Chandrakant Nerurkar	.. Intervener
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In the matter between

Mr. Sayed Hussain & Ors.	.. Applicants
Vs.	
The State of Maharashtra & Anr.	.. Respondents

Mr. K. A. J. Merchant for the Applicants.
Mrs. Rutuja Ambekar, APP for the State.
Mr. Kedar Chandrakant Nerurkar, Intervener present in person.

CORAM : N. W. SAMBRE, J.
DATE : 30th NOVEMBER, 2016.

P. C. :

1. The applicants are seeking anticipatory bail in Crime No.240 of 2016 registered with Nirmal Nagar Police Station, Khar, Mumbai for the offences punishable under Sections 464, 465, 468, 469, 470, 471, 472, 420 read with Section 34 of the Indian Penal Code.
2. Case of the prosecution against the present applicants is the applicants have manipulated the documents by putting the signatures of Tahasildar and also stamped the same without any authority.
3. While trying to make out a case for grant of bail, learned counsel for the applicants submits that the applicants are innocent as they are not aware of the procedure to be adopted in the matter of getting the documents attested and have taken help of a lawyer for getting the said work done. It is according to the applicants that the lawyer misguided them which has resulted into the applicants landing in this trouble.
4. It is also claimed that it is because of infighting between the office bearers of the society, the present offence has given rise to. Hence custodial interrogation of the present applicants is not warranted.

5. This Court vide an order dated 12.08.2016 has already granted ad interim protection in favour of the applicants and pursuant thereof, the applicants have appeared before the Investigation Officer.

6. *Per contra*, the learned APP, who is assisted by one of the complainant, Mr. Kedar Chandu Nerurkar, submits that the custodial interrogation of the applicants is very much necessary as the ignorance of the law or the procedure cannot be a ground for seeking bail in crime. It is further claimed that the accused persons acted contrary to the provisions of Maharashtra Co-operative Society's Act by moving the resolution of no confidence though the same was not permissible and got the resolution attested by taking recourse forging the signatures of the Tahasildar. The source of such forgery, the material used and who has committed such a forgery is issued which according to them caused to be investigated into through custodial interrogation.

7. Having considered the submissions made, what could be, prima facie, inferred from the investigation is that the applicants, who are office bearers of the society, are the beneficiaries under the alleged forged documents though it is claimed by them that they are not author of such documents. However, from the investigation it reflects that the applicants hired services of a lawyer who in turn handed over the same to the applicants.

8. Prima facie, what could be inferred from the investigation is that the applicant does not appear to be the author of the forged documents but it is only after the services of the lawyer was hired, the applicants were handed over the forged documents.

9. In view thereof, in my opinion, the custodial interrogation of the applicants is not warranted.

10. The applicants are released on P.R. Bond of Rs.50,000/- each with one or two sureties in the like amount. The applicants to attend the Nirmal Nagar Police Station on 08.12.2016 in between 06.00 p.m. to 8.00 p.m .2016 and thereafter as and when called.

11. The applicants shall not visit the witnesses' house and tamper with the prosecution evidence.

12. The Anticipatory Bail Application Nos.1460 of 2016 and 1401 of 2016 are, accordingly, disposed of.

[N. W. SAMBRE, J.]