IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1236 OF 2015

Vinay Sajjankumar Tibrewal ... Applicant

Vs.

The State of Maharashtra & anr. ... Respondents

with
ANTICIPATORY BAIL APPLICATION NO.1238 OF 2015

Sajjankuar Mohanlal Tibrewal & anr. ... Applicants

Vs.

The State of Maharashtra. ... Respondent

Mr.D.S.Jambaulikar, Sr.advocate a/w Mr.Akshay Vani i/b M/s.Vani & Associates for the Applicant in ABA/1236/2015
Mr.P.D. Borkar for Applicant in ABA/1238/2015
Ms.S.S. Kaushik, APP, for Respondent – State
Mr.Shailendra Mishra a/w Sharad Rai i/b A.M. Saraogi for Resp. No.2
Mr.G.V. Anavkar, PI, Dindoshi police station – present

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

DATE: **MARCH 17, 2016**

P.C.:

1. These two Anticipatory Bail Applications are moved as the applicants-accused are facing charges under sections 498A, 323, 506, 406, 504, 507, 465, 467, 468, 471, 420 r/w 34 of the Indian Penal Code in C.R. No.226 of 2015 registered at the instance of one Shweta Tibrewal

with Dindoshi police station, Mumbai on 25.4.2015. Anticipatory Bail Application No.1238 of 2015 is filed by the father-in-law and the mother-in-law of the complainant wife and Anticipatory Bail Application No.1236 of 2015 is filed by the husband. He is facing charges under section 498A, 323, 406, 504, 506, 507, 465, 467, 468, 471 r/w 34 of the Indian Penal Code. It is the case of the prosecution that the complainant got married with the applicant-accused Vinay Tibrewal in 2000. Out of this wedlock, they have two children aged 12 and 14 years. After marriage, there was continuous demand of money. Even at the time of engagement, there was demand for gold and diamond articles. The father of the complainant gave Rs.5 lacs to purchase household articles, Rs.2 lacs towards their honeymoon expenses. In the year 2004, the applicant-accused husband started company namely, Mishka Fibres Pvt. Ltd and all the family members including the complainant became a Director of the company. It is her case that she was continuously under the pressure of the in-laws. Her husband forced her to sign certain bank cheques and some papers. In 2013, he demanded Rs.10 lacs from her father and her father gave him Rs.10 lacs through a middleman one Mr.Poddar. It is her case that in October, 2014, her in-laws had put on gas stove to put her life in danger. At the same time, her husband and in-laws tried to driver her out of the house. Her husband made her Director in 8 companies, though she was no willing. She never remained present for the Board meetings. She received notice prior to lodging of FIR from Industrial Finance branch of State Bank of India that an amount of Rs.19 crores is due from Mishka Fibres Pvt. Ltd where she is a guarantor for the loan. She was forced to sign on the loan documents. It is her case that the applicant-accused husband has forged her signature and submitted papers and she is falsely implicated in the loan transaction.

2. The learned Senior Counsel for the applicants-accused has submitted that after the offence is registered, the applicants were given interim pre-arrest bail and they have regularly attended the police station till today and have cooperated in the investigation. It is further submitted that the applicants/accused have not committed any offence and the complainant wife has lodge this complaint in order to extort money from the husband and the in-laws. The allegations of forgery of power of attorney and other documents are false. It is further submitted that the custody of the applicants/accused is not required as the offence is based on documents. It is also submitted that whatever documents are asked for, have already been produced. He submitted that the power of attorney, which is alleged to be forged, is in the flat occupied by the complainant, however, the complainant is not allowing him to enter the flat. He further submitted that she has filed a civil suit against him in respect of declaration of the said power of attorney. However, the civil Court has refused to grant ad-interim relief in favour of the complainant. The learned

Senior Counsel further submitted that the applicants/accused, who are the in-laws, have attended all the dates at the police station.

3. Learned Prosecutor as also the learned Counsel for the intervener while opposing the Anticipatory Bail Applications, submitted that custody of the applicants-accused is required as the applicants/accused are involved in the offence of forgery. She submitted that two non-cognisable complaints are registered against the applicants-accused.

4. Perused the FIR and the relevant documents produced herewith. There are allegations of cruelty but the allegations of forgery are found serious. It appears *prima facie* that the applicants/accused have raised loan for the business of the company where the complainant is also made a Director. On query, it is informed that the complainant has studied upto 10^{th} standard. She is not at all involved in the actual business transaction of the company. It appears that the originals of resolutions which are passed by the company in respect of obtaining the loan and the power of attorney which is the subject matter of this case are not yet produced before the police. The original documents are required for the purpose of investigation of the offence of forgery. If those documents were in the flat which is occupied by the complainant, that would have been obtained and produced by the applicants/accused till now with the help of the police. However, it is not done.

5. Hence, I reject the Anticipatory Bail Application No.1236 of 2015 filed by Shri Vinaykumar S. Tibrewal and allow Anticipatory Bail Application No.1238 of 2015 on the following terms:

O R D E R

i) In the event of arrest, the applicants-accused, namely, Shri Sajjankumar Mohanlal Tibrewal and Smt.Santoshdevi Sajjankumar Tibrewal, shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- (Rupees Twenty thousand only) each, with one or two solvent sureties in the like amount;

ii) The said applicants/accused shall attend the concerned police station as and when called and cooperate with the investigation;

iii) The said applicants-accused shall not tamper with the evidence or pressurise the complainant;

iv) The applicants-accused shall not indulge into any criminal activity;

v) The applicants-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.

vi) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

6. At this stage, the learned Senior Counsel for the applicants/accused submits that the applicant/accused in Anticipatory Bail Application No.1236 of 2015 wants to challenge this order before the Supreme Court and hence prays for continuation of the earlier interim relief for four weeks.. In the circumstances of the case, interim protection granted earlier is continued for a period of four weeks.

(MRIDULA BHATKAR, J.)