

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1537 OF 2015

Arvind Jangid s/o. Brijkishore Sharma ... Applicant

Vs.

The State of Maharashtra & anr. ... Respondents

Mr.Mahesh Prajapati i/b P.S. Tadlapurkar for the Applicant
Ms.Alpa Javeri, APP, for Respondent – State
Mr.Ashutosh Kaushi i/b M/s.Kaushik & co. for Resp. No.2

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

DATE: **MARCH 17, 2016**

P.C.:

1. This is an application for anticipatory bail as the applicant-accused is prosecuted for the offences punishable under sections 404, 420, 465 467, 468 r/w 34 of the Indian Penal Code. The offence is registered at the instance of one Ajay Sharma on 28.8.2014 at C.R. No.4 of 2014 with Dindoshi police station, Mumbai. It is the case of the prosecution that the applicant-accused and their father Brijkishore Sharma and mother Sheela were Directors of company Maharshi Construction. The father Brijkishore Sharma died on 28.4.2009. Thereafter, the applicant-accused as per the case of the prosecution, gave a letter to the prosecutrix of the company that the shares which were in the name of the father are to be transferred in his name. It is the case of the prosecution that the complainant being the elder brother, the shares would have been transferred in his name only

and he would have become a majority shareholder of the said company. However, after transferring 14030 shares in his name, as his brother fraudulently became a majority shareholder, he gave complaint.

2. The learned Counsel for the Applicant has submitted that the applicant-accused is innocent and has not committed any offence.

3. The learned Prosecutor and the learned Counsel for the complainant submitted that the applicant-accused has forged a letter dated 5.2.2009 which is of his father. He has forged the signature of the father. The original documents are not produced. The custody of the applicant is required in order to obtain that document.

4. Perused the FIR, photocopy of the said letter, which is in the file. The father of the applicant-accused and the complainant has signed this document which is of 5.2.2009 and the father has expired on 28.4.2009. The record discloses that the complainant has filed other criminal cases and also civil suit in respect of the said property, which is pending before the respective Courts.

5. Considering these facts, I am of the view that the police can investigate the case without custodial interrogation of the applicant-accused. Hence, the Anticipatory Bail Application is granted on the following terms and conditions:

ORDER

- i) In the event of arrest, the applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.30,000/- with one or two solvent sureties in the like amount;
- ii) The applicant-accused shall cooperate with the Investigating Officer and attend the concerned police station during the period from Monday, the 21st March, 2016 onwards till 25th March, 2016 from 6pm to 8pm;
- iii) The applicant-accused shall not tamper with the evidence or pressurise the complainant;
- iv) The applicant-accused shall not indulge into any criminal activity;
- v) The applicant-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;
- 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.

(MRIDULA BHATKAR, J.)