

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2228 OF 2016

Rathna Lobo and anr.Applicants

V/s.

The State of MaharashtraRespondent

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Mr. Shirish Gupte, Senior Advocate a/w. Mr. M.S. Mohite i/by.
Pinaz C. Contractor, for the applicants.

Mr. Deepak Thakare, APP for the respondent, State.

CORAM :- N. W. SAMBRE, J.

DATED :- 1ST DECEMBER, 2016.

P.C. :-

1). The applicants are seeking regular bail in Crime No. 299 of 2016 for offences punishable under Sections 419, 420, 465, 467, 471, 507 read with Section 120(B) Indian Penal Code.

2). It is the case of the prosecution that deceased, Patrick Saldanha died on February 18, 2016 leaving behind large estate by testamentary document by which he has given 2% of the share from the estate to the present applicants as they have taken his care for

substantial time.

3). The prosecution alleged that, HSBC Bank, Mumbai based on the Power of Attorney which was fraudulently executed and signed as a witness by one of the applicant i.e. applicant no.1, the Accounts and the other securities with the HSBC Bank were sought to be operated.

4). It is also claimed that, the applicants have received Rs.30,00,000/- based on the Power of Attorney of deceased, Patrick.

5). Mr. Gupte, the learned Senior Counsel appearing for the applicants would submit that, the applicants were already arrested and subjected to custodial interrogation, as such their further custody is not warranted. Mr. Gupte, would then urge that the amount is already recovered and secured with the Investigating Agency.

6). The learned APP opposed the application on the ground that, other co-accused are yet to be arrested and the chargesheet in the matter is to be filed.

7). Considering the fact that the applicants have already co-operated with the investigation, the amount involved in the offence is already seized and the applicant, Lobo appears to be a witness to the forged Power of Attorney of deceased, their further detention, in my opinion, is not warranted.

8). Hence, the applicants be released on bail on executing

P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount.

9). The applicants not to tamper with the evidence and/or influence the witnesses in any manner whatsoever.

10). At this stage, Mr. Gupte, upon instructions gives an Undertaking, if time to furnish sureties is granted and if the applicants are released on cash bail, he shall not jump the same and shall furnish sureties in four weeks.

11). In view thereof, the Undertaking is accepted. The applicants for a period of 4 weeks shall be released on cash bail and shall furnish one or two sureties as ordered within a period of 4 weeks.

12). If the securities as ordered are not furnished within 4 weeks, the bail of the applicants shall be treated to be cancelled without further reference to the Court and it is undertaken by the applicants that they shall voluntarily surrender.

(N.W. SAMBRE, J)