

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2102 OF 2016

Shailesh Kantilal Dharod	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

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Mr. O.A.Siddiqui i/by V.P.More, Advocates for the Applicant.
Ms. R.M.Gadhvi, APP for the Respondent/State.

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CORAM : N.W.SAMBRE, J.

DATED : 9th December, 2016.

P.C.

1 The Applicant is seeking pre-arrest bail in Crime No.388 of 2016 for the offence punishable under Sections 465, 467, 468, 471, 420, 193, 199, 200, 209 read with Section 34 of the IPC.

2 While trying to make out case for grant of bail, the learned counsel for the Applicant has invited my attention to the order dated 3rd December, 2016 and other orders passed in Testamentary Suit No.173 of 2015 pending on the file of this Court. He would submit that in the wake of the above referred orders and the fact that he has already attended the Investigating Officer, his false implication in the crime in question does not warrant custodial interrogation.

3 The learned APP while opposing the application based on the investigation papers submits that there is sufficient material so as

to demonstrate involvement of the Applicant in the crime in question.

4 What could be gathered from the record is that the stamp paper on which the will came to be executed was issued to Palghar treasury by India Security Press, Nashik on 19th September, 2014. The Palghar Treasury issued the said stamp paper to authorised stamp vendor on 7.11.2014 to one Samir Shele in the name of Trishala Traders. The said stamp paper was purchased on 14.12.2009 on which the will of late Mohan Narayan, who died on 20.9.2014 came to be reduced in writing. The above referred dates depict that the stamp paper was purchased and the will was drafted after the death of Mohan Narayan. Role attributed to the applicant is that of executor and there are statements of witnesses, which speak of prima-facie involvement of the applicant in the crime in question.

5 In view of thereof, no case is made out. The Anticipatory Bail Application, accordingly, stands rejected.

6 The above observations are confined to the issue raised before this Court.

(N.W.SAMBRE, J.)