

Anand

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

ANTICIPATORY BAIL APPLICATION NO.769 OF 2017

Abdul Raheman Nihal Ahemad .Applicant

Vs.

The State of Maharashtra .Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.761 OF 2017

Bhausahab Hari Gambhire .Applicant

Vs.

The State of Maharashtra .Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.770 OF 2017

Nihal Ahemad Abdul Khalique .Applicants
Ansari & ors.

Vs.

The State of Maharashtra .Respondent

Mr.S.Patil i/b. Mr. Sachin Dhakephalkar,
Advocate, for the Applicant in **ABA No.769 of
2017**

Mrs.R.Ambekar, APP, for the Respondent – State
in **ABA No.769 of 2017**

Mr.K.P.Shah, Advocate, for the Applicant in **ABA
No.761 of 2017**

Mr.Rajan Salvi, APP, for the Respondent – State
in **ABA No.761 of 2017**

Mr.S.Patil i/b. Mr. Sachin Dhakephalkar,
Advocate, for the Applicant in **ABA No.770 of 2017**

Mrs.S.S.Kaushik, APP, for the Respondent – State
in **ABA No.770 of 2017**

CORAM : REVATI MOHITE DERE, J.

DATE : 29.06.2017

P.C.

. Heard learned counsel for the parties.

2. By these Applications, the Applicants seek pre-arrest bail in connection with C.R.No. I-42 of 2017 registered with the Mumbai Naka Police Station, District – Nasik, for the alleged offences punishable under Sections 420, 465, 466, 468, 471 r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicants submit that the Applicants have been falsely implicated in the said case. They submit that there is no forgery or fabrication of any document, as is alleged by the Complainant. They

further submit that the Applicants have attended the concerned police station as directed by this Court vide Orders dated 28.04.2017 & 15.06.2017 and have co-operated with the investigation. They further submit that the original documents are in possession of the police hence, custodial interrogation of the Applicants is not required.

4. Learned APP has tendered the report of API – Satish M. Ghotekar, Mumbai Naka Police Station, Nasik. The said report is taken on record. In the said report, it is stated that they have no objection, if the Applicants are granted pre-arrest bail.

5. Perused the papers. The Complainant is the step-brother of Ishtiyaque Ahemad Nehal Ahemad i.e. the Applicant No.4 in ABA No.770 of 2017. It is alleged by the Complainant, that the Applicants had forged the signatures of Nihal Ahemad i.e. father of the Complainant and

Ishtiyaque Ahemad Nehal Ahemad. It appears that proceedings are pending before the District Court, Malegaon, Nasik. The Applicants have reported to the investigating officer of the concerned police station, as directed by this Court and have co-operated with the investigation. The report of the API – Satish M. Ghotekar also shows that they have no objection, if the Applicants are granted pre-arrest bail. It appears that all the original documents are in the custody of the police and the Applicants' specimen writing and signatures have been taken. Charge-sheet is likely to be filed within a period of four to six weeks from today.

6. Considering the aforesaid, custodial interrogation of the Applicants is not required. Accordingly, the Applications are allowed and the Applicants are granted pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicants be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/- each** with one or two sureties in the like amount;

(ii) The Applicants shall report to the investigating officer of the concerned police station **as & when called for** by the investigating officer till the filing of the charge-sheet or for a period of three months whichever is earlier;

(iii) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicants shall inform their latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

7. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)