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

CRIMINAL BAIL APPLICATION NO.1670 OF 2017

Shivarajan Kuttalam Pillai

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.P.N.Wagh, for the Applicant.

Ms.Veera Shinde, A.P.P for the Respondent-State.

PSI – A.D.Padwale, Vikhroli Police Station.

CORAM : REVATI MOHITE DERE, J.

DATE : 23rd AUGUST, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.310 of 2015 registered with the Vikhroli Police Station, for the alleged offences punishable under Sections 406, 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the aforesaid case. He submitted that the applicant was not aware that the documents which were handed over to him by his Agent, when he purchased the room, were fabricated and forged. He submitted that it is not even the prosecution case, that the applicant had forged or fabricated the documents pertaining to the room.

4. Learned APP does not dispute the fact, that the applicant is not the person who has forged the document pertaining to the room, which was sold by the applicant to the complainant.

5. Perused the papers. It appears that the applicant is a resident of Coimbatore, Tamil Nadu and would visit Mumbai, as his son was staying in Mumbai. It appears that in 2012, the applicant had purchased one room from Babhubhai (wanted accused) through an Agent. It appears that the said persons had submitted forged and bogus documents to the applicant vis-a-vis the room, when he purchased the said room. It appears that in 2013, the applicant sold the said room to the complainant and handed over the said documents, which the complainant later learnt, were forged and fabricated.

Admittedly, the applicant is not alleged to have forged or fabricated the documents. Whether or not the applicant was aware that the said room was allotted by the M.M.R.D.A or not is a matter, which will be decided by the trial Court. The applicant is in custody since 26th April, 2017. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more local sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, once in three months on the first Saturday, between 10:00 a.m. to 11:00 a.m., after his release, till framing of the charge;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court

as well as to the concerned Police Station, in writing;

iv) The Applicant shall not contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial;

vi) An undertaking to the aforesaid clauses (ii) to (v) shall be filed by the Applicant, in the Registry of the trial Court, within one week of his release;

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)