

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 789 OF 2015**

Ramesh Madan Patel	...Applicant
Versus	
Mahul @ Sandashiv D. Pandey & Ors.	...Respondents

Mr. Gajendra Kashinath Jadhav for the Applicant

Mr. A. H. H. Ponda i/b Mr. K. D. Shukla for the Respondent Nos. 1 to 4

Ms. P. P. Shinde, A.P.P for the Respondent No.5-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 28th JUNE, 2017

P.C.

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks cancellation of the anticipatory bail granted to the respondent Nos. 1 to 4, by the learned Additional Sessions Judge, Greater Bombay vide order dated 5th November, 2015.
3. Learned Counsel for the applicant (original complainant) submits that the custody of the respondents is necessary, as certain forged

documents have been submitted by them. He submits that the said forged documents need to be investigated by the police. On this ground, he seeks cancellation of the bail granted to the respondent Nos. 1 to 4.

4. Learned Counsel for the respondent Nos. 1 to 4 has filed an affidavit of the respondents. Learned Counsel has relied on the order of this Court (Coram : Smt. Mridula Bhatkar, J.) dated 15th January, 2014 in Anticipatory Bail Application No. 32 of 2014, filed by the applicant herein. He relied on para 6 of the said order to show that the applicant (original complainant) had filed an anticipatory bail application in this Court and that this Court, had in para 6 observed, that the applicant had admitted giving possession of the shop.

5. Perused the papers, including the impugned order dated 5th November, 2015 passed by the Additional Sessions Judge, Greater Bombay, by which the respondent Nos. 1 to 4 were granted anticipatory bail, on certain terms and conditions, as well as, the order dated 15th January, 2014 passed by this Court (Coram : Smt. Mridula Bhatkar, J.) in Anticipatory Bail Application No. 32 of 2014. At the outset, it is pertinent

to note, that it is not the contention of the learned Counsel for the applicant, that the respondents have flouted any of the conditions imposed on them by the learned Sessions Judge whilst granting the respondent Nos. 1 to 4's anticipatory bail. It appears that there are certain disputes between the applicant and the respondents i.e. criminal prosecution as well as civil proceedings. It is observed by the learned Additional Sessions Judge that the case is essentially based on documentary evidence and hence, the custody is not required. It appears that the documents are in the custody of the police. It *prima facie*, also appears from the order dated 15th January, 2014, that the applicant-Ramesh Patel, had admitted having given possession of the shop in Krishna Building.

6. Considering the aforesaid, no interference is warranted in the order dated 5th November, 2015. Accordingly, the application is rejected.

REVATI MOHITE DERE, J.