

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 565 OF 2018**

Arjun Anant Waghmare Applicant.
Vs.
The State of MaharashtraRespondent.

WITH
ANTICIPATORY BAIL APPLICATION NO. 662 OF 2018

Subhash Dattaram Mayekar Applicant.
Vs.
The State of MaharashtraRespondent.

Mr. L.M. Shukla, for the Applicants in both ABAs.
Smt. J. S. Lohokare, APP, for the Respondent-State.
B.K. Aher, P.I. MHB Colony, Police Station, present.

CORAM : A. S. GADKARI, J.
DATE : 3rd August, 2018.

P.C.:-

1) The applicants in ABA No. 565 of 2018 and ABA No. 662 of 2018 were granted interim relief by orders dated 28th March, 2018 and 9th April 2018 respectively and were directed to attend the Investigating Officer to join the process of investigation.

2) Heard learned counsel appearing for the applicants and the learned APP for the State. Perused the record of investigation.

3) It is the allegation against the applicants that in the meeting dated 22/11/2015 of Panchsheel Nagar Co-operative Housing Society (Proposed), the applicant Arjun Waghmare being Developer and Proprietor of M/s Samir Construction and the applicant Dr. Subhash Mayekar being the Chief Promoter of the said society, by forging signatures of the deceased members, submitted a proposal with Slum Rehabilitation Authority (SRA) for its development.

4) The record of investigation indicates that, Investigating Officer has submitted a report dated 30th June, 2018 to the learned Magistrate, 16th Court, Borivali, Mumbai, stating that on 22/11/2015, as the deceased members of the Society could not remain present at the said meeting, their relatives attended it and have signed the register of minutes of the said meeting and have put their thumb impressions. The record prima facie indicates that, the statements of the concerned relatives have been recorded by the Investigating

Officer.

5) Thus, prima facie it appears that, there is no substance in the allegation made against the applicants herein by the first informant. It further prima facie appears that there are disputes between two groups for having control over the affairs of the said Society and as an outcome thereof, the present crime has been registered. The record further indicates that, in pursuance of the directions issued by this Court, the applicants have attended the Investigating Officer and have joined the process of investigation.

6) In view thereof, the applicants are entitled to be protected by pre-arrest bail.

Consequently, interim relief granted by orders dated 28th March, 2018 and 9th April, 2018 respectively is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

7) Applications are allowed in the aforesaid terms.

(A.S. GADKARI, J.)