

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1296 OF 2018  
WITH  
CRIMINAL APPLICATION NO.885 OF 2018  
Pankaj Sushil Pilani vs. State of Maharashtra

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|------------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr. Abhishek Gupta with Sushil Upadhyay I/by Ashok Sarogi for the Applicant.

Smt. Rutuja Ambekar, APP for the Respondent-State.

Mr. Shailesh K. with Hemant Thadani i/by Krishan & Saurastri Associates LLP for Intervener.

CORAM : A.S.GADKARI, J.

DATE : 24<sup>th</sup> July, 2018

P.C.

1. The applicant was granted interim relief by an Order dated 4.7.2018. As noted in the said order, car in question has already been seized by the police by effecting seizure panchanama dated 25.4.2018. The Police are also seeking custody of the applicant for the purpose of obtaining his specimen signatures as it is the allegation that, the documents pertaining to the said car have been forged and submitted to the Government Authorities.

The learned counsel appearing for the first informant

vehemently opposed the application and submitted that this is the second incident wherein the applicant has forged and fabricated the documents and signatures of the applicant. That on earlier occasion taking into consideration the fact that, the applicant is the son of the informant, crime was not registered. He submitted that taking into consideration the said incident at the discredit of the applicant, the application for pre-arrest bail may be rejected. He submitted that there are plethora of Judgments which holds that in a case of forgery anticipatory bail should not be granted.

3. At the out set, it is to be noted here that, I am unable to accept the submissions advanced by the learned counsel for the first informant. It is settled position of law by the Constitution Bench of the Hon'ble Supreme Court in the case of Gurbaksh Singh Sibbia and ors. vs. State of Punjab reported in (1980) 2 SCC 565 that even in cases of forgery, protection under Section 438 can be extended to the accused. The Supreme Court held that, each and every case has to be decided in view of the facts involved in the case and there cannot be any straight jacket formula in the matter of granting bail. The learned counsel for the first informant could not point out any other decision

contrary to the view taken by the Constitution Bench of the Supreme Court in the case of Gurbaksh Singh (Supra).

4. After perusing the record of investigation, this Court is of the considered view that, the custodial interrogation of the applicant for further investigation of the present crime is not at all necessary. As far as specimen handwriting of the applicant to be taken by the Investigating Officer is concerned, the applicant can be directed to attend the Investigating officer on stipulated dates and to join the process of investigation.

5. In view thereof, the interim relief granted by Order dated 4.7.2018 is hereby confirmed. However, the applicant is directed to attend the Investigating Officer as and when called for after receipt of notice under Section 160 of the Cr.P.C. between 10.00 a.m. to 12.00 noon and to join the process of investigation till filing of the charge sheet. It is abundantly made clear that the Investigation officer shall not detain the applicant in the police station or otherwise beyond 12.00 noon on any count.

5. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)