

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1702 OF 2018

Pritam Vijay Gholap, Age 43 years,
Occ.Service, R/o.G-10, Bilani Mansion,
Shivaji Park Road No.4, Dadar, Mumbai-400028;
presently r/o.Imperial Heights,
Near Dadojee Kondadev Stadium, Thane (W). Applicant

versus

The State of Maharashtra Respondent

Mr.Rakesh H. Pathak for applicant.
Ms.A.A.Takalkar, APP, for State.
Mr.Netaram Mhaske, Police Inspector, Dadar Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th August 2018

PC :

1. This is an application for anticipatory bail. The applicant is arraigned as an accused in crime registered with Dadar Police Station vide CR No.389 of 2016 dated 10th October 2016 for offences punishable under Sections 420, 465, 467, 471 read with Section 34 of Indian Penal Code.

2. The prosecution case is that the first informant is carrying on the business of construction and development of properties. In the year 2006, the Comunidade of Mapusa, Goa had allotted a plot admeasuring 4,100 sq.mtrs. Situated at Pimpal XET, Chalta No.5/4 of P.T.Sheet No.163 of City Survey Mapusa, Bardez-Goa. In the year 2008 the first informant had executed a joint venture agreement

with the accused Vilas Gaokar and some other persons for development work of the said plot. In 2012-13 the first informant received notice from CKP Bank in respect of recovery of loan of Rs.5 crores. Thereafter the complainant learnt that the accused Vilas Gaokar and the applicant had forged his signatures and mortgaged the said plot and obtained loan of Rs.5 crores.

3. The contention of the applicant is that he had lodged a complaint against Mr.Vilas Gaokar vide CR No.24 of 2016 on 13th January 2016 for offences u/s.424, 420, 465, 467 of IPC alleging that the Mr.Gaokar has forged the signature of the applicant on the loan agreement. The first informant in the present case had lodged present FIR on 10th October 2016 with Dadar Police Station. The application preferred by the applicant before the Sessions Court is rejected on 13th December 2016. However, thereafter the applicant was not called for the purpose of investigation. On 24th August 2018 Dadar Police Station issued notice to the applicant u/s 41(1)(a) of Cr.P.C and therefore he apprehends arrest and thus has preferred this application for anticipatory bail. It is pointed out that the co-accused Mr.Vilas Gaokar had also preferred an application for anticipatory bail viz Anticipatory Bail Application No.2204 of 2016 before this Court, which was allowed vide order dated 10th April 2017. While allowing the said application it is observed by this Court that the Comunidade of Mapusa, State of Goa has granted no objection certificate to create mortgage in respect of property for which the alleged joint venture agreement was executed by the Mr.Gaokar and the complainant in the year 2008. The mortgage deed was created by Mr.Gaokar by following necessary legal provisions.

4. The applicant herein has been called for interrogation by Dadar Police Station vide notice u/s 41(a) of Cr.P.C. The applicant is willing to co-operate with the investigation. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.1702 of 2018 is allowed;
- (ii) In the event of arrest of applicant in connection with CR No.389 of 2016 registered by Dadar Police Station, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the Investigating Officer of Dadar Police Station once in a week on every Saturday between 10 a.m. and 12 noon till filing of charge sheet;
- (iv) Criminal Anticipatory Bail Application No.1702 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)

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