

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2426 OF 2018

Raju Vitthal More, Age 67 years,
Occ.Business, R/o.Flat No.A/22,
Bhagyoday Apartment, Gokhivare Road,
Vasai (E), District Palghar.
(Presently lodged at Thane Jail)

Applicant

versus

The State of Maharashtra

Respondent

Mr.M.S.Mohite I/by S.H.Sagvekar for applicant.
Mr.A.R.kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 1st October 2018

PC :

1. The applicant is seeking bail in connection with CR No.I-284 of 2018 registered with Tulinj Police Station for offences under Sections 420, 465, 468, 471 read with Section 34 of Indian Penal Code.

2. The prosecution case is that one Rakeshkumar Wadhwan being the developer had procured forged N.A permission in respect of property at village Achole, bearing Survey No.60(16), Hissa Nos.1 to 6. Upon inquiry it was found that there was no records in the office of Collector, Thane with respect to the N.A permission granted for area of 9,510 sq.mtrs. It is alleged that a forged N.A permission bearing No.Mahsul/Kaksh-1/T-9/NAP/SR/90/95 dated 27.2.2004 was obtained. On the back drop of this, the FIR was registered with Tulinj Police Station on 21st March 2018.

3. The applicant preferred an application for bail before the Court of Judicial Magistrate, First Class which was rejected on 30th

May 2018. Thereafter he preferred application for bail before the Sessions Court which was rejected on 20th June 2018.

4. Learned counsel for applicant submits that the applicant is in custody from the date of arrest. The charge sheet is filed and further detention is not necessary. Non-bailable warrants were issued against certain accused by the Trial Court for remaining absent before the Court. The developer and other persons had preferred applications before this Court for cancellation of non-bailable warrants issued by the Trial Court which was allowed and the Trial Court was directed to accept bail bonds of said co-accused. The said order was passed in the light of the fact that charge sheet was also filed in the Court and summons was already issued to appear before the Court. It is submitted that except applicant, other accused are on bail. Nothing is to be recovered from the applicant. There is no allegation either in the FIR or otherwise also that the applicant is an author or signatory of any documents which are already in possession of police. It is further submitted that there is no nexus of the applicant with the alleged act or any of the documents related thereto. Considering the fact that investigation is complete, further detention of the applicant is not necessary.

5. Learned APP submitted that the accused were involved in serious crime of forgery. However, it is confirmed that other accused were not arrested and charge sheet was filed and subsequently they were released on bail.

6. The applicant is in custody from the date of arrest. The entire matter relates to documents. The persons who were attributed the

role of commission of the alleged crime, were not arrested and charge sheet was filed against them and subsequently they were granted bail. The applicant has placed on record several orders passed by this Court cancelling non-bailable warrants issued by Trial Court against co-accused who did not appear before the Court when summonses were issued. This Court had directed the Trial Court to accept the bail bonds of said accused when they remain present before the Court. In the light of aforesaid circumstances, more particularly considering the fact that charge sheet has been filed and applicant is in custody, case for grant of bail is made out.

7. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.2426 of 2018 is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in CR No.I-284 of 2018 registered with Tulinj Police Station on furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Tulinj Police Station once in a month on every first Saturday between 10 am and 12 noon;
- (iv) The applicant shall appear before the Trial Court regularly for hearing unless exempted by the Trial Court.

(PRAKASH D. NAIK, J.)