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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1855 OF 2017

Anil Gopinath Nair

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Niranjan Mundargi i/b T.N. Tripathi & Co for applicant.

Ms. A.A. Takalkar, APP for State.

Mr. A.M. Saraogi for respondent No.2.

CORAM : A.S.GADKARI, J.

DATE : 4th June 2018.

P.C.:

1] By a reasoned and elaborate Order dated 25th October 2017, the applicant was was granted interim relief.

2] Heard the learned Counsel for the applicant and the learned APP for State. Perused the record.

3] In the present case the disputed document is a Power of Attorney dated 9.4.2008 executed by the first informant in favour of the applicant herein. It is the allegation against the applicant that by forging the signature of first informant, he procured power of attorney in his favour for gaining wrongful benefit.

4] It is to be noted here that, after perusing the complaint prima facie it

appears that, according to the complainant himself the said Power of Attorney was executed only for the limited purpose for permitting the applicant to represent the first informant in legal proceedings pending before this Court. It is further to be noted here that, in the Written Statement filed on behalf of the first informant (Defendant No.2), the original Power of Attorney was produced before the Associate of this Court on 5.10.2010 and the concerned Associate of this Court after verifying the original Power of Attorney, had returned it to the applicant being a Constituted Attorney of the first informant. It appears that, no wrongful loss at all has been caused to the first informant by the alleged use of the said Power of Attorney.

5] After perusing the first information report and Order dated 25th October 2017, this Court is of the considered view that the applicant deserves to be protected by pre-arrest bail.

In view thereof, interim relief granted by Order dated 25th October 2017 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)