

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

ANTICIPATORY BAIL APPLICATION NO. 2150 OF 2017

1	Dnyaneshwar Baburav Bhagat.	
2	Munir Khan Sharif Khan Pathan.	... Applicants.
	Versus	
	The State of Maharashtra.	... Respondent.

WITH

ANTICIPATORY BAIL APPLICATION NO. 2137 OF 2017

1	Harshad Balasaheb Boratay.	
2	Vijay Dilip Ingle.	... Applicants.
	Versus	
	The State of Maharashtra.	... Respondent.

WITH

ANTICIPATORY BAIL APPLICATION NO. 4 OF 2018

	Manish Shrawankumar Rajput.	... Applicant.
	Versus	
	The State of Maharashtra.	... Respondent.

Mr. Abhishek R. Avachat, advocate for Applicant.

Ms. S.S. Kaushik, APP for State.

Ms. Rekha Kale, WPSI, Wanavadi Police Station.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 15, 2018**

P.C.:

1 Heard the learned Counsel for the applicants and the learned APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicants herein are apprehending their arrest in Crime No. 552 of 2017 at Wanwadi Police Station, Pune for offence punishable under section 420, 457, 467, 469, 471, 504, 506 and 120(B) of the Indian Penal Code.

3 It is the case of the prosecution that the applicants as well as Ramesh Bhalerao are the trustees of Hazrat Bhikanshawali Baba Dargah Urs Committee Trust, which is registered under the Bombay Public Trust Act. The property of the trust is situated at Dapodi, Pune. The son of Ramesh Bhalerao was appointed as Secretary of the said trust. The said trust has been formed in the year 2006. It is the case of the prosecution that Ramesh Bhalerao had filed complaint before the Judicial Magistrate First Class, Cantonment Court, Pune

alleging therein that a fortnight prior to filing of the complaint, the accused persons had installed a board on the property of the trust in their own name. That they had threatened the complainant. He had made an enquiry with the office of the Charity Commissioner and had learnt that the accused persons have filed change report and have shown resignation of Haresh Bhalerao. According to the complainant, accused persons had forged signature of Haresh Bhalerao. They had fabricated records to show that the meeting was called on 11/6/2017 and new trustees were inducted in the body of the trust. Upon perusal of the complaint, the learned Magistrate was pleased to issue direction under section 156(3) of the Code of Criminal Procedure, 1973, pursuant to which Crime No. 552/2017 was registered.

5 The applicants were granted interim relief. The learned APP upon instructions from the Investigating Officer who is present in the court submits that the applicants had not given their natural specimen signature and had attempted to mislead the investigating agency.

6 The learned Counsel for the applicants submits that there is no question of giving natural or unnatural handwriting or specimen signatures. The learned Counsel upon instructions submits that the applicants undertake to cooperate with the investigation to the best of their capacity.

7 Upon perusal of the papers of investigation this Court is of the opinion that in the above mentioned facts, custodial interrogation of the applicants would not be imperative.

8 However, it is made clear that the observations are prima facie in nature and are restricted to the application under section 438 of the Code of the Criminal Procedure, 1973 and trial court shall not be influenced for the purpose of quashing of FIR, discharge application or at the time of trial.

9 Hence following order is passed :

ORDER

- (i) The applications are allowed.
- (ii) In the event of arrest in Crime No. 552 of 2017 registered at Wanwadi Police Station, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- each and one or more solvent sureties in the like amount.
- (iii) The applicants shall report to the concerned police station from 20/2/2018 to 24/2/2018 between 10.30 a.m. To 12 noon and cooperate with the investigating agency to the best of their capacity.
- 10 The applications are disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)