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

ANTICIPATORY BAIL APPLICATION NO. 117 OF 2018

Ali Akbaar Admajee Peerbhoy

..Applicant

Vs

The State of Maharashtra & Anr

..Respondents

Mr. Bhavesh Parmar I/b Devmani Shukla for the Applicant.

Mr. Amit Palkat, APP for State.

Mr. Subhash P. Nalavade/Respondent No.2 present in person.

CORAM : A.S.GADKARI, J.

DATE : 28th March 2019.

P.C.:

1] The applicant is apprehending arrest in MECR No. 1 of 2017 dated 22.11.2017 registered with Colaba Police Station, Mumbai under sections 177, 182, 427, 420, 442, 448, 464, 468 read with 34 of the Indian Penal Code.

2] Heard the learned counsel for the applicant, Mr. Subhash P. Nalavade/Respondent No.2 in person at length and the learned APP for the State. Perused the record of investigation.

3] By an Order dated 22.1.2018 the applicant was granted interim relief, as the the Investigating Officer was not present and the learned APP sought time to take instructions. The interim relief was not granted on

merits.

4] The present crime is registered in pursuance of Oder dated 28th August 2017 passed by the learned Chief Metropolitan Magistrate in CC No.88/SW/2017 under Section 156(3) of Cr. P.C.

5] The prosecution case in brief is that, the applicant is the third son of Shri Admajee Peerbhoy and is claiming to be one of the legal heirs and successor of Shri Admajee Peerbhoy. That the applicant produced false birth certificate of Shri Admajee Peerbhoy before the Divisional Commissioner in a dispute pertaining to the landed property of the Peerbhoy Family, under the Maharashtra Land Revenue Code. The first informant sought information from Bharda New High School pertaining to the birth certificate of father of the applicant and it was informed to him that, the said certificate is not a genuine document. It is the specific case of the informant that, on the basis of the said forged birth certificate, the applicant is trying to establish his claim over the landed properties which has market value of crores of rupees.

6] The record indicates that, the learned Civil Judge, Panvel has issued Heirship Certificate dated 15.7.2006 in favour of the applicant and other legal heirs of Shri Admajee Peerbhoy. The said Heirship Certificate

dated 15.7.2006 holds the filed as of today.

The learned APP on instructions submitted that, the investigation carried out till date reveals that, the applicant is the successor of Shri Admajee Peerbhoy and the Heirship Certificate dated 15.7.2006 issued by the Civil Court is a genuine document. As far as the birth certificate of father of the applicant dated 26.2.1974 produced by him (bearing Reg.No.238 of 1925, Sr. No.482), the learned APP on instruction submitted that, it is not issued by the concerned school. Thus, prima facie it appears that the investigation of the present crime indicates that, there is some substance in the version of the first informant, however, all the allegations are not correct. The investigation of the present crime is solely based on documents and the Investigating Agency has already seized the said documents.

7] In view thereof, the custodial interrogation of the applicant for further investigation of the present crime is not necessary and the applicant can be protected by pre-arrest bail. Interim relief granted by Order dated 22nd January 2018 is hereby confirmed.

8] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)