

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

ANTICIPATORY BAIL APPLICATION NO. 510 OF 2019

Adv. Sagar Rajabhau Suryawanshi ... Applicant

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. P. R. Katneshwarkar I/by Sagar Kursija for Applicant.

Mr. Nilesh Ojha a/w Mr. Vijay Kurlle, Mr. Shivam Mehra, Mr. Karttavaya Parmar, Ms. Mansi Jain, Mr. Abhishek Mishra, Mr. Shivindu for Intervener.

Ms. Rutuja Ambekar, APP for Respondents – State.

Mr. Balasaheb Kophar, Senior Police Inspector, Mr. Satish Walke, API, Shivaji Nagar Police Station present in Court.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 27, 2019.

P.C. :

. In Crime No. 145 of 2018 for an offence punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of Indian Penal Code, the Applicant is seeking pre-arrest bail.

2. The prosecution case against the Applicant is, complainant and wife of the Applicant who is a lawyer by profession were parties to the Facility Agreement, based on which suit for specific performance came to

be filed by wife of Applicant. In the said suit it is claimed that the Applicant represented the interest of the Plaintiff i.e. his wife whereas the Complainant's interest was made to be represented by a lady lawyer from the chamber of Applicant.

3. It is alleged in the complaint that written statement admitting the claim in the suit for specific performance of contract and compensation was not signed by the Complainant. Applicant alleged to have forged the signature of complainant on the same. There are other allegations pertaining to the conduct of the Applicant in the said civil suit.

4. The submissions of the learned Counsel for Applicant are, the Applicant and the Complainant were in professional terms, as the Applicant was professional advisor, whereas his wife was financial advisor to the Complainant. In view of strained relation, the Applicant is implicated in the false offence. Certain materials, viz – FIR against the Complainant, service of summonses in the suit, Bailiff Reports are sought to be relied upon to falsify the criminal complaint against the Applicant.

5. *Per contra*, the learned APP submits that co-accused has

specifically attributed the role justifying the allegations in the complaint. Further submissions are that there are other offences registered against the Applicant.

6. Having appreciated the submissions and having perused the order of the learned Sessions Court, in my opinion, the Applicant does not deserve any protection from this Court. Apart from other material the modus in the commission of crime adopted by the Applicant confirmed in the narration of co-accused speaks of *prima facie* involvement.

7. Apart from above, the very conduct of the Applicant reflected before the Sessions Court and the pendency of other offences speaks of the intention of the Applicant.

8. That being so, no case for grant of pre-arrest bail is made out. Hence the Anticipatory Bail Application stands rejected.

(NITIN W. SAMBRE, J.)