

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 528 OF 2019

Ashish R. Solanki	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Amit Date a/w. Ms.Anjali Thakoor, Mr.Harsh i/b. Mr.Diwakar Singh
for Applicant.
Mr.R.M. Pethe, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 10th April 2019.

P.C. :

1] The applicant is apprehending arrest in C.R. No. 459 of 2018 dated 21/08/2018 registered with Bandra Police Station, Mumbai, for the offence punishable under Section 465, 468, 471 and 420 of the Indian Penal Code.

2] Heard learned counsel for the applicant and learned APP for the State. Perused the record of investigation.

3] The first information report is lodged by Mr.Shrikant Muntode, an officer employed with Mumbai Municipal Corporation in

its Building Proposal Department at Bandra (West). The Applicant is an 'Architect' by profession and has a firm, by name, M/s. Square Consultant Architect and Engineers.

The co-accused Mr.Tejas Shah is a 'Licensed Surveyor', whose services were employed by the applicant herein for obtaining various documents usually required for construction of a building.

It is the prosecution case that, the said Mr.Tejas Shah procured and submitted documents allegedly issued by the Airport Authority of India permitting to construct a building on CTS No.822/2 lying and situated at village Ambivali, Andheri (West). It is alleged that the commencement certificate and/or certificate issued by the Airport Authority of India is a forged document, allegedly manufactured by the said Mr.Tejas Shah and subsequently, handed over it to the applicant herein for its onward submission before the Mumbai Municipal Corporation.

4] The afore-stated are the facts emerged on record from the first information report and from the record of investigation. The record indicates that the prime accused, namely, Tejas Shah was arrested by the police and was thoroughly interrogated. The said co-accused has been

released on bail by the learned Additional Sessions Judge, Greater Mumbai, by its order dated 14th January 2019. It is observed in para No.8 of the said order that, during the interrogation of the said applicant (Tejas Shah), it revealed to the Investigating Agency that one agent, by name, Mahendra had procured the said forged 'No Objection Certificate' of Airport Authority of India. That he was assigned with the work to procure the 'NOC' within stipulated time, but he could not arrange the same and therefore, he manipulated the old NOC granted in favour of the third party.

5] The record of investigation indicates that the third party mentioned in the said order is Mr.Shubhang Dhruv whose name is allegedly replaced by the said Tejas Shah in connivance with agent Mahendra and the fabricated 'No Objection Certificate' in the name of Mr.Hirji Shah.

6] It is an admitted fact on record that, the applicant is an 'Architect' by profession and it *prima-facie* appears that he has no personal role to play in manufacturing and/or fabricating the said document.

7] In view thereof, the custodial interrogation of the applicant

for further investigation of the present crime is not necessary. However, the applicant can be directed to attend the Investigating Officer on stipulated dates, to join the process of investigation, till filing of the final report.

8] Hence, following order :-

- (i) In the event of arrest in C.R. No. 459 of 2018 dated 21/08/2018 registered with Bandra Police Station, Mumbai, the applicant shall be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (ii) Applicant shall attend the Investigating Officer as and when called for between 11.00 a.m. to 1.00 p.m., after receipt of a notice in writing from the Investigating Officer and to join the process of investigation till submission of final report.
- (iii) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.
- (iv) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]