IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.691 OF 2019

Bhagwan Daulatram Pamnani & Anr. ...Applicants

Vs.

State of Maharashtra & Anr ...Respondent

Mr. Aniket Nikam I/b Piyush R. Toshnival, for the applicants.
Smt. A. A. Takalkar, for the State.
Mr. Kunal Chheda a/w. Mr. Chetan Mhatre I/b. M/s. Utangale & Co., for the respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : JUNE 04, 2019

P.C.:

1. The applicants are seeking anticipatory bail in connection with C.R. No.249/18 registered with Deccan Police Station, Pune under Sections 420, 467, 468, 471 of IPC.

2. The FIR in this case is lodged by one Kamlesh Kishanlal Shahani on 21/12/2018. It is mentioned in the FIR that in the year 1991-1992 the first informant's wife and applicant No.2 alongwith others formed Company by name Sunshine Financial Services. The business of the Company was to invest money in shares. According to first informant, he was the first shareholder of 10 shares of Grasim

Industries Limited and 34 shares of Reyon Industries Limited. The first informant settled in Pune in the year 1997. Till the year 2003-2004 he used to receive dividend regularly but after 2005 he stopped receiving dividend from Reyon Industries Limited. Thereafter, he entered into correspondence with the transferring agency and on 9/5/2017 he received information that his 34 shares of Indian Reyon Company were transferred in the names of present applicants on 26/7/2005. Then he inquired further. He got to know that their signatures were forged by a transfer deed. Signature of his co-shareholder Manohar Manglani was also forged. Apart from that there was signature of Senior Manager of Canara Bank certifying their signatures. There was signature of one Jitendra Chetiya as a witness to that deed.

3. It is the case of the first informant that because of this forgery he has suffered losses and therefore he registered this offence.

4. Heard Shri. Nikam, Ld. Counsel for the applicants and Smt. Takalkar, Ld. APP for the State. I have heard Mr. Kunal Chheda for the respondent No.2 i.e. original first informant.

5. Shri. Nikam submitted that parties were knowing each other and they were on good terms in the year 1991-1992 when the applicant No.2 and first informant's wife alongwith others had formed the company. He further submitted that the first informant stopped receiving dividend of concerned company since the year 2005 and yet till 2017 he did nothing. There is gross delay in filing the FIR.

6. As against this, Ld. Counsel for the respondent No.2 submitted that because of long correspondence he came to know about the forgery in the year 2017.

7. Ld. APP submitted that not only signatures of first informant and his co-shareholder, but even the signatures of a Senior Bank Officer is also forged on the disputed deed. Even the seal of the Bank was fabricated. Though there is long delay as submitted by Shri. Nikam, the fact remains that signatures of the first informant, his co-shareholder as well as Senior Bank Officer were forged and the seal of the Bank is also forged. Looking to the gravity of the offence, the custodial interrogation of the applicants is necessary to trace the evidence of forgery. Therefore, no case is made out for grant of anticipatory bail. Hence, the application is rejected.

8. At this stage, Shri. Nikam prays for extension of interim protection. The prayer is rejected.

(SARANG V. KOTWAL, J.)