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

ANTICIPATORY BAIL APPLICATION NO.1504 OF 2019

Bhalchandra Shankar Chaudhary	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.R.R.Tripathi, for the Applicant.

Mr.S.V.Gavand, A.P.P for the Respondent - State.

Mr.Sandesh Deshpande, for the Original Complainant.

PSI – M.U.Karwar, Narpoli Police Station, Bhiwandi, District – Thane.

CORAM : REVATI MOHITE DERE, J.

DATE : 7th AUGUST, 2019

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.368 of 2019 registered with the Narpoli Police Station, Thane, for the alleged offences punishable under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code.

3. Learned APP opposed the application. He has filed an affidavit of Maruti U.Karwar, Police Sub Inspector, Narpoli Police Station, Bhiwandi, District – Thane. He further states that the applicant has reported to the Investigating Officer of the concerned Police Station, as directed by this Court vide order dated 16th July, 2019.

4. Perused the papers. According to the complainant – Nilesh Chaudhary, the applicant had cheated him and his brothers by filing false affidavits and used the same for recording his name in the Assessment Record. The complainant has alleged that when he visited the office of Bhiwandi Nizampur City Municipal Corporation in December, 2018, he learnt that House Nos.441 and 442 were divided and separate House Nos. 441/1 and 442/2 were given in favour of the applicant, on the basis of two false affidavits filed by the applicant. According to the complainant, the signatures on both the affidavits were not of his or his brothers and that the applicant forged the said signatures. The complainant also learnt that the Deputy Commissioner of Bhiwandi Nizampur City Municipal Corporation has issued an order of transfer of those properties in the name of the

applicant. It appears that when the complainant made an application to the Commissioner of Bhiwandi Nizampur City Municipal Corporation requesting him to cancel the entries made in the Assessment extracts of House No .441/1, the Assistant Municipal Commissioner – Sudam Jadhav after hearing the applicant, the entries were cancelled. It appears that the applicant had accepted that the signatures on both the affidavits were not of the complainant. All the documents are with the Municipal Authorities. The applicant has also given his specimen signatures to the concerned officer.

5. Having regard to the peculiar facts of this case, the custodial interrogation of the applicant is not warranted. The application is accordingly allowed and the interim protection granted vide order dated 16th July, 2019, is confirmed on the following terms and conditions :-

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the

concerned Police Station as and when called, till the filing of the charge-sheet;

(iii) The applicant shall co-operate with the Investigating Agency as well as in the conduct of the trial.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.