

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

ANTICIPATORY BAIL APPLICATION NO. 566 OF 2020

1. Mr. Sandeep Dindayal Agarwal. ... Applicants.

2. Mr. Kapil Satpal Agarwal.

V/s.

State of Maharashtra. ... Respondent.

Mr. Niranjan Mundargi i/b. Mr. Munal Ambulkar, advocate for applicants.

Mr. K.V. Saste, APP for State.

CORAM : SMT. SADHANA S. JADHAV

DATE : APRIL 23, 2021.

PC.

1 Heard the learned Counsel for the applicants and the learned APP for State through video conferencing.

2 This is an application under section 438 of the code of Criminal Procedure, 1973 seeking pre-arrest bail in Crime No. 110 of 2020 registered with Dehu Road Police Station, Pimpri-Chinchwad, Pune for the offence punishable under section 406, 420, 465, 466, 467,

468 and 471 read with Section 34 of the Indian Penal Code.

3 The applicants herein happen to be the partners of the complainant. It is alleged by the complainant that the applicants had forged signature of the other partners at the time of signing of permission for development of a property.

4 By an order dated 6th March, 2020, this Court had granted interim relief in favour of the applicants. The Court had directed the applicants to cooperate with the investigation.

5 Learned Counsel for the applicant submits that the applicants were called to the police station. The Investigating Officer had obtained their specimen signatures in view of the order dated 6th March, 2020. It is also submitted that they have abided by the conditions imposed upon them. In any case, the complainant also happens to be the partner of the applicants in various other firms.

6 It appears from the record that the applicants have not misused the powers entrusted to them by way of Partnership Deed dated 22/7/2016. Clause 14 and 15 of the Partnership Deed reads as

follows :

“14. POWERS TO PARTNERS :

All Partners being authorised by all the partners to sign all the legal papers like purchase/sale agreements and all other documents required in the government of offices.

15. EXECUTION OF SALE/PURCHASE DEED :

It is agreed by all the partners that for executing sale/purchase deed of the flat/shop/offices/godown. ANY ONE shall sign the agreement on behalf of the firm.”

In view of this, it cannot be said that the applicants had misused the powers or have cheated the complainant. In view of this, order dated 6th March, 2020 deserves to be confirmed on the same terms and conditions.

7 Hence, following order is passed.

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 110 of 2020 registered with Dehu Road Police Station, Pimpri-Chinchwad, Pune, the applicants be enlarged on bail on furnishing PR. Bond in the sum of Rs. 25,000/- each with one or more solvent sureties in the like amount.

(iii) The applicants shall continue to cooperate with the investigating agency and shall attend police station as and when called by the Investigating Agency.

8 The application stands disposed of on the above terms.

(SMT. SADHANA S. JADHAV, J)