

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 169 OF 2017**

Prakash Chimanlal Sheth	...Applicant
Versus	
State of Maharashtra and Anr.	...Respondents

Mr. Balasaheb R Deshmukh for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.
DATE : 7th APRIL, 2021

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant has impugned the order dated 19/10/2016 passed by the Additional Sessions Judge, City Civil and Sessions Court, Greater Mumbai in Anticipatory Bail Application No. 1107 of 2016, by which, the learned Judge was pleased to grant pre-arrest bail to the Respondent No.2 herein.
3. Learned Counsel for the applicant submits that the impugned order granting pre-arrest bail to the applicant cannot be sustained inasmuch as, the document in question i.e. the order allegedly passed by the Deputy

Registrar, Co-operatives, D-Division, Mumbai, was forged, warranting Respondent No.2's custodial interrogation. He submitted that the Respondent No.2 and another co-accused had produced the said forged order in this Court in Writ Petition No. 3206 of 2013. He submits that when the same was pointed out by the applicant, this Court directed registration of an offence, pursuant to which, C.R.No.188 of 2016 was registered with the Azad Maidan Police Station alleging offences punishable under Sections 181, 182, 193, 196, 120(B), 415, 417, 463, 464, 465, 466, 468 and 471 r/w 34 of the Indian Penal Code. He submits that considering that the order of the Deputy Registrar, Co-operatives was forged, custodial interrogation of the Respondent No.2 was warranted.

4. Learned APP submits that after investigation, the Police of the Azad Maidan Police Station, Mumbai have filed a chargesheet, as against Respondent No.2 and co-accused – Manjibhai Purushottam Patel, in the Court of the learned Magistrate, on 22/06/2018.

5. Perused the papers including the impugned order. It appears that pursuant to the aforesaid C.R. registered as against Respondent No.2 – Viresh Taswala and co-accused – Manjibhai Patel, the said accused i.e. Respondent No.2 filed an Anticipatory Bail Application and co-accused - Manjibhai filed a regular bail application, before the same Court. Both the

applications were decided by a common order dated 19/10/2016. The learned Judge, after considering the submissions of the parties including that of the applicant, granted pre-arrest bail to the Respondent No.2 and released co-accused – Manjibhai Purushottam Patel on regular bail vide the said order. Having perused the order, no infirmity can be found in the said order granting pre-arrest bail to the Respondent No.2. It is also pertinent to note, that the impugned order granting pre-arrest bail to the Respondent No.2 was passed on 19/10/2016 and the present petition was filed on 16/03/2017, after about 6 months. Although, learned Counsel for the applicant states that he had attempted to take the aforesaid application on board, the Faradsheet does not disclose the same. The aforesaid application has been listed today, in view of the directions given by this Court to list old matters. Even otherwise, after investigation, chargesheet has been filed in the said case on 22/06/2018 as against the accused.

6. Considering the aforesaid, no interference is warranted in the impugned order dated 19/10/2016 passed by the learned Additional Sessions Judge, City Civil and Sessions Court, Greater Mumbai. Accordingly, the application is dismissed.

REVATI MOHITE DERE, J.