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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1903 OF 2021

Yuvraj Suresh Kotwal ... Applicant

Versus

The State of Maharashtra ... Respondents

Mr. Ashok Mundargi, Senior Counsel i/b Mr. Shailesh Dhananjay Chavan, for the Applicant.

Ms. Anamika Malhotra, APP, for the State-Respondent.

Mr. R. S. Jagtap, PSI, attached to Sahakar Nagar Police Station present.

CORAM : V. G. BISHT, J.

DATE : 16th November, 2021.

PC:

The applicant is seeking Anticipatory Bail in connection with C.R. No. 119 of 2021 registered with Sahakar Nagar Police Station, District-Pune, for the offences punishable under Sections 420, 465, 467, 468, 471, 472, 473, 474, 406, 120-B of the Indian Penal Code.

2 Informant is the Chairman of Ekata Co-operative Housing Society. It is alleged that the applicant and other accused after entering into criminal conspiracy prepared forged documents and used those

documents for illegal possession of informant's society located at Sahakar Nagar, Pune. Accordingly, FIR came to be filed.

3 Mr.Mudargi, learned senior Counsel for the applicant, submits that the alleged dispute is in respect of property of society and is pending before the competent Court and is purely of civil nature. The present applicant has been falsely implicated. Even otherwise the nature of offence would suggest that the case of prosecution is based on documentary evidence which is already in possession of investigation machinery. This being so, there is no necessity of custodial interrogation.

4 Ms. Malhotra, learned APP, opposed the submissions by contending that the investigation is in progress. Having regard to the nature of accusation, the application is devoid of merits and, therefore, does not merit attention.

5 I have perused the FIR and relevant papers. The alleged offence as contemplated under Sections 420, 465 of the Indian Penal Code is in respect of documents which took place on 25/4/2006 whereas the crime in question came to be registered in the month of April, 2021 i.e. after

huge delay of 15 years. Moreover, the whole evidence is based on document which is already in possession of Investigating Officer. Having regard to the allegations and the fact that the offence came to be registered quite belatedly, in my considered opinion, the applicant has made out a case for anticipatory bail.

6 In view of above, I am inclined to allow the application. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) Ad-interim protection granted by this Court on 8th September, 2021 is confirmed and made absolute.
- (iii) Application stands disposed of accordingly.

(V. G. BISHT, J.)