

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.996 OF 2020

Zakkiuddin Abbasbhai Bhorl @ Neralwala Applicant

Versus

The State of Maharashtra Respondent

Mr. Gaurav Parkar, Advocate a/w. Tarang Jagtiani, for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

Mr. Gaurav Bhawnani, Advocate i/b. Khan Abdul Wahab, for the first informant.

CORAM : SARANG V. KOTWAL, J.

DATE : 11th MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.4/2020 registered at Neral Police Station, District-Raigad on 8.1.2020 under Sections 420, 406, 465, 468, 471 read with 34 of the Indian Penal Code.

2. The FIR is lodged on 8.1.2020 by one Anwar Mohammad Sidduqi Mulla. He has stated that his father had given a small gala to the Applicant's brother Tayyabali Bhorl because the informant's father and the Applicant's father were friends. The gala was given out of friendly relations for keeping goods. According to the first informant, there was no agreement executed between the parties. The gala was kept closed for about 25 to 27 years. A few years before lodging of the FIR, the informant wanted that gala back. He enquired with the Applicant and his brother. At that time the brother showed a rent agreement, which according to the first informant, was a forged rent agreement. The Applicant had given a copy of that rent agreement to the police. The informant's case is that since there was no agreement executed, the document was a forged document. The Applicant realized that there was no signature of the informant's father. Therefore, another copy was given to the police bearing signature of the informant's father. According to the first informant, this was deliberately done and the

document was forged. On these allegations, the FIR is lodged.

3. Heard Shri Gaurav Parkar, learned Counsel for the Applicant, Ms. Pallavi Dabholkar, learned APP for the State and Shri Gaurav Bhawnani, learned Counsel for the first informant.

4. Learned Counsel for the Applicant submitted that the document given by the Applicant to the Police was a genuine document. It was executed in the year 1987 and therefore after so many years it is unimaginable that a conspiracy could be hatched in the year 2020. In any case, he was not a party to that document. His brother Tayyabali, who has signed this document, is already granted anticipatory bail by the Sessions Court.

5. Learned A.P.P. opposed this application and produced the copies of the investigation papers including the two documents in question.

6. I have considered these submissions and in particular I have perused those documents. Apparently, one

document is a photo copy of the other with some manipulation which changes the nature of the signature. However, as rightly submitted by learned Counsel for the Applicant, this document was not concerning the present Applicant. It was executed purportedly between the informant's father and the Applicant's brother. The Applicant's brother is already granted anticipatory bail. Therefore, there is no reason not to extend the same benefit to the present Applicant.

7. The investigation is only in respect of the documents which are already in the custody of the police. The dispute has arisen few years before the FIR. But admittedly the gala in question was in possession of the Applicant and his brother since the year 1987. Therefore, there is gross delay on the part of the informant in making any grievance in respect of possession of that gala. After all these years, the Applicant's custody for investigation purposes is not necessary in the background of the facts mentioned hereinabove. The investigation can go on. The Applicant shall cooperate with the investigation. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.4/2020 registered with Neral Police Station, District-Raigad, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) The Anticipatory Bail Application stands disposed of accordingly.

Pradeepkumar
P. Deshmane

Digitally signed by
Pradeepkumar P.
Deshmane
Date: 2021.03.12
12:26:03 +0530

Deshmane (PS)

(SARANG V. KOTWAL, J.)