

P.C.:-

1] Applicants are seeking pre-arrest bail in C.R. No 627 of 2021 registered with Malad Police Station, Mumbai for the offence punishable under Sections 385, 420, 465, 467, 468, 471 506(2) read with Section 34 of the IPC.

2] Prosecution case against the Applicants is, Applicants have forged the letter of intent for allotment of Flat Nos. 503 and 504 dated 22/12/2021¹⁰ in favour of Accused Nos. 4 and 5 shown to have been issued by the complainant.

3] It is informed that said forgery is at the behest of the Applicants.

4] Apart from above, threat of extortion is also alleged. As such, the offence in question.

5] I have heard respective Counsel at length. Admittedly, there exists a civil dispute between the parties and at the behest of the Applicants, arbitration proceedings are pending before the sole Arbitrator Shiraj Rustomjee in relation to Statement of Accounts of

partnership Firm Om Shah Builders.

6] As far as alleged forged letter dated 22/12/2010 is concerned, same is informed to have been recovered from Accused No.4.

7] In that view of the matter, there is hardly any material to infer that the Applicants' custodial interrogation is necessary qua the aforesaid offence. As far as offence under Section 385 of the IPC is concerned, there appears to be allegation of threat on mobile phone.

8] In the aforesaid backdrop and since there appears to be in existence civil dispute between the parties, in my opinion, false implication of the Applicants cannot be ruled out.

9] In the event of the arrest of the Applicants in C.R. No 627 of 2021 registered with Malad Police Station, Mumbai for the offence punishable under Sections 385, 420, 465, 467, 468, 471 506(2) read with Section 34 of the IPC, Applicants be released on bail on furnishing P. R. Bond in the sum of Rs 25,000/- each with one or more sureties in the like amount. Applicants shall neither directly or

indirectly influence the prosecution witnesses nor tamper with the evidence. Applicants to attend the Investigating Officer from 15th December 2021 to 20th December 2021 between 10.00 A.M. and 12.00 Noon and thereafter as and when directed by the Investigating Officer.

10] Application stands disposed of accordingly. As a consequence. Interim Application is also disposed of.

(NITIN W. SAMBRE, J.)