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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2295 OF 2021

NITESH DAYALAL JAINAPPLICANT

V/s.

THE STATE OF MAHARASHTRARESPONDENT

WITH

INTERIM APPLICATION NO. 2441 OF 2021

IN

ANTICIPATORY BAIL APPLICATION NO. 2295 OF 2021

CHARUL NITESH JAINAPPLICANT

IN THE MATTER BEWTEEN

NITESH DAYALAL JAINAPPLICANT

V/s.

THE STATE OF MAHARASHTRARESPONDENT

Mr. Devendra S. Rajapurkar advocate for the Applicant

Ms. Rimpal Trivedi for the intervener

Mr. A. R. Kapadnis APP for the State

Ms. Rohini Dheri, API, Malbar Hill Police Station, Mumbai.

CORAM : NITIN W. SAMBRE, J.

DATE: 6th OCTOBER, 2021.

P.C.:

1] Applicant is seeking pre-arrest bail in C.R. No. 313/2021 registered with Malbar Hill Police Station, Mumbai for offence punishable under Sections 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.

2] Complainant and applicant are husband and wife. It is admitted position that they are not residing together as there is matrimonial discord. Legal proceedings viz. under Section 498-A of Indian Penal Code and proceedings under Domestic Violence Act etc. are already pending before the competent court.

3] Prosecution case against the applicant is, he has tampered complainant's signature on Endowment Plus Plan - 802 policy issued by L.I.C. in her name.

4] Contention of the learned counsel for the applicant are, he is

custodian of in all there are 6 policies issued in the name of complainant which were never tampered of interfered with. Counsel for the applicant on instructions states that applicant undertakes to surrender all these 6 original policies to the investigating officer in the crime in question. His further submissions are, as far as the issue of tampering of signature is concerned, applicant is willing to furnish his hand-writing, signature specimen as and when so required and directed by the Investigating Officer.

5] Learned APP who is assisted by the counsel for complainant would urge that applicant's custodial interrogation is necessary and as such, application is liable to be rejected.

6] Learned counsel for the complainant by inviting attention of this Court to the notes of arguments which are placed on record would urge that there is large scale offence committed by the applicant by tampering various documents. According to her, scope of investigation has to be increased based on the above.

7] As far as aforesaid submissions about tampering by the applicant is concerned, there is hardly any material on record or specific allegations to that effect. As such, claim to that extent is liable to be rejected.

8] F.I.R. is based on alleged tampering of signature and the applicant has already undertaken to surrender all 6 policies which were issued in the name of complainant. As the said statement is accepted as an undertaking before this Court and the applicant has already expressed willingness to furnish specimen of his handwriting as and when directed by the Investigating Officer, in my opinion, case for grant of pre-arrest bail is made out. Hence, following order:

(i) In the event of arrest of applicant in C.R. No. 313/2021 registered with Malbar Hill Police Station for offence punishable under Sections 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code, he be released on bail on furnishing P.R. bond in the sum of Rs. 15,000/- with one or more sureties in the like amount.

(ii) Applicant is permitted to furnish provisional cash

bail in the sum of Rs. 15,000/- for a period of 2 weeks in lieu of sureties.

(iii) Applicant shall neither influence prosecution witnesses in any manner nor tamper with evidence.

(iv) Applicant shall not try to contact with the complainant in the matter.

(v) Applicant to attend Investigating Officer on 11/10/2021 and 13/10/2021 between 10.00 a.m. to 12.00 noon and thereafter as and when directed.

9] Anticipatory Bail Application alongwith Intervention Application stand disposed of.

[NITIN W. SAMBRE, J.]