

ANTICIPATORY BAIL APPLICATION NO. 1541 OF 2019

Mr. B.G. Tangsali a/w. Mr. J.K. Agarwal, Ms. Neha Rane i/b.
Ms. Gayatri Shahane for the Applicants.
Ms. Pallavi N. Dabholkar, APP for the State.
Mr. Sachin Patil, API, Malad Police Station.

DATED : 05th AUGUST, 2021.

. This is an Application under Section 438 of Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R.No.5/2016 registered with Mulund Police Station for offences under Sections 114, 120(B), 409 r/w. 34 of the Indian Penal Code (IPC).

2. Heard Mr. B.G. Tangsali, learned counsel for the Applicants and Ms. P.N. Dabholkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The crime against the Applicants was registered pursuant to the FIR lodged by Smt. Mamta Shetty. It is the case of the prosecution that the Applicant and the co-accused prepared a false and fabricated power of attorney and on the basis of said power of attorney, the Applicant sold the flat to his wife – Shakuntala Shetty.

4. By order dated 15/07/2019, this Court (Coram : Revati Mohite Dere, J.) had granted interim protection to the Applicants with further direction to report to the Investigating Officer on the date specified in the order. It is stated that the Applicants have complied with the said condition and that their presence is no longer required for the purpose of interrogation. The records prima facie reveals that the husband of the first informant has also filed L.E. Suit No.203/247 of 2008 before Small Causes Court in respect of the same flat. Learned counsel for the Applicants states that the said suit has been dismissed on 10/04/2019. Learned APP states that the investigation has been completed. It is stated that the charge sheet has not been filed as the CFSL report regarding the voice sample is awaited.

5. In the above facts and circumstances, presence of the Applicants is not required for the purpose of custodial interrogation. The

Applicants are the permanent residents of the State and there is no possibility of the Applicants absconding or thwarting the course of justice. Under the circumstances, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest, the Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount ;

(b) The Applicants shall furnish their current address and mobile contact numbers and/or change of residence or mobile details, if any, to the Investigating Officer.

6. The Application stands disposed of.

PREETI
H JAYANI

(SMT. ANUJA PRABHUDESSAI, J.)

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