

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1814 OF 2019

Bharat Rajnikant Gandhi ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. N. M. Nadar, Advocate for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 7th AUGUST, 2021.

PER COURT:

1. This is an application for anticipatory bail. The applicant is apprehending arrest in C.R. No. I-115 of 2019 registered with Dahanu Police Station, Dist. Palghar for offences under Sections 420, 467, 468, 471 r/w Section 34 of Indian Penal Code (for short “IPC”).

2. The grievance of the complainant is that, father of the complainant has passed away. He owned certain property. The accused were involved in preparing the fabricated Power of Attorney which was utilized for transferring the property. The role attributed to the applicant is that he was attesting witness to the document.

3. Learned Advocate for the applicant submitted that the applicant is a broker/estate agent. The only role attributed to him is that he has signed the document as attesting witness. He has not the beneficiary of the said property. He is not involved in the transaction with the co-accused, who were involved in preparing false documents.

4. Learned APP submitted that the applicant has attested the document. Two other cases were registered against him. His custodial interrogation is necessary.

5. The applicant has relied upon the order dated 27th February, 2019 passed by this Court granting him anticipatory bail in C.R. No.233 of 2018 registered with Talasari Police Station. Apparently, the applicant appears to be estate agent. The role assigned to him that he has attested the document. There is nothing on record to indicate that he is involved in fabrication of the Power of Attorney. The applicant was granted interim protection by this Court vide order dated 20th August, 2019. He was directed to attend the Investigating Officer. Learned counsel for the applicant has contended that the applicant has complied the direction of reporting to the Investigating Officer. In the light of the aforesaid factual aspects, the applicant need not be subjected to

custodial interrogation.

6. Hence, I pass the following order:

ORDER

(i) Anticipatory Bail Application No. 1814 of 2019 is allowed;

(ii) Interim order dated 20th August, 2019 is confirmed.

(iii) In the event of arrest of the applicant in connection with in C.R. No. I-115 of 2019 registered with Dahanu Police Station, Dist. Palghar, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(iv) The applicant shall appear before the investigating officer as and when called for till filing of charge-sheet.

(v) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)