

TRUSHA
TUSHAR
MOHITE

Digitally signed by
TRUSHA TUSHAR
MOHITE
Date: 2021.11.26
17:29:37 +0530

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

ANTICIPATORY BAIL APPLICATION (ST.) NO.17271 OF 2021

Behram Maneck Pardiwala ... Applicant

Vs

The State of Maharashtra ... Respondent

Ms.Nidhi Chedda and Ms.Neha Ahuja for the applicant

CORAM: SURENDRA P. TAVADE, J.

**DATED : NOVEMBER 26, 2021
(IN CHAMBER AT 04.30 P.M.)**

P.C.

. Heard.

2. Praecipe has been filed for speaking to minutes of order dated 04.11.2021. The following corrections need to be carried out in the said order:

a. On page 2, second line of paragraph no.3 is read as "punishable under sections 554, 557, 380 r/w 34 of Indian Penal Code" and the same be substituted as "punishable under sections 454, 457, 380 r/w 34 of Indian Penal Code."

b. On page 2, fourth line of paragraph no.3 is read as “on bail of Rs.50,000/-” and the same be substituted as “on bail of Rs.20,000/-”.

c. Further the fifth line of paragraph no.3 is read as “in the year 2016” and the same should be substituted as “in the year 2017”.

d. The end of paragraph no.3 is read as “ready as it is” and the same should be substituted as “read as it is”.

e. On page 3 fifth line of paragraph 4 the word “no” be substituted as “any”.

f. Further point a of paragraph no.4 line 4 the word “interim” be deleted.

g. Also point b of paragraph no.4 reads as “Stand over to 02.12.2021.” and the same should be deleted and substituted as “Anticipatory Bail Application is disposed of”.

4. Rest of the order remains as it is.

5. The original order shall stand corrected accordingly which reads thus:

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

ANTICIPATORY BAIL APPLICATION (ST.) NO.17271 OF 2021

Behram Maneck Pardiwala ... Applicant

Vs

The State of Maharashtra ... Respondent

Dr.Sujay Kantawala a/w Ms.Nidhi Chedda and Ms.Neha Ahuja
for the applicant

Mr.S.R.Shinde, A.P.P. for the State

CORAM : SURENDRA P. TAVADE, J.
(Vacation Court)
DATE : NOVEMBER 04, 2021

P.C.:

. Heard.

2. In the present application, the applicant is seeking pre-arrest bail in FIR vide Crime No.415 of 2021 registered with D.B.Road Police Station for the offences punishable u/sec. 419, 465, 468, 471, 473, 196, 197, 198, 200 r/w 34 of the Indian Penal Code.

3. It is alleged against the applicant that he was prosecuted for the offence punishable under sections 454, 457, 380 r/w 34 of the Indian Penal Code by Tardeo Police Station. He surrendered before the Police and he was released on bail of Rs.20,000/-. He submitted surety namely Shri Javed Mohammad Padwekar in the year 2017. On enquiry it was

revealed that the said Javed Mohammad Padwekar and some other sureties were found to be bogus. It is alleged against the sureties that they submitted false and bogus documents. One of the surety is Javed Mohammad Padwekar who stood surety for the applicant. Subsequently, applicant came to know about registration of crime against his surety. Therefore, he approached the concerned Magistrate and sought permission to furnish cash security. Accordingly, his prayer was allowed. Applicant has deposited cash security in lieu of the surety bond. It appears that on enquiry of Tardeo Police Station, at the instance of the staff member of Girgaon Court, it was revealed that in all, three sureties submitted false documents and stood surety for different accused. Even if the FIR is read as it is, it does not attribute any illegal act against the applicant.

4. It appears that the applicant has submitted surety bond of Javed Mohammad Padwekar. It was duty of concerned advocate to verify the document of surety and place before the court. It appears that Advocate Sayed has verified the document of surety and on scrutiny of document, surety was accepted. Therefore, it cannot be said that the applicant was in any way concerned with the preparation of document of his surety. Therefore, prima facie, no offence is made out against

the applicant. Therefore, he is entitled for bail. Therefore, I pass following order:

a. In the event of arrest in connection with FIR vide Crime No.415 of 2021 registered with D.B.Road Police Station for the offences punishable u/sec. 419, 465, 468, 471, 473, 196, 197, 198, 200 r/w 34 of the Indian Penal Code, the applicant be released on bail on P.R. bond of Rs. 15,000/- with condition to attend D.B.Road Police Station as and when called by the Investigating Officer till further orders.

b. Anticipatory Bail Application is disposed of.

(SURENDRA P. TAVADE, J)