

PMB

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

ANTICIPATORY BAIL APPLICATION NO.2653 OF 2019

Sunil Shivalal Mahajan .. Applicant
VS.

The Senior Inspector of Police and anr. .. Respondents

Vinita Dandekar i/b. Mr. Swapnil Wagh for the Applicant.

Smt. Veera Shinde, APP for the State.

Mr. T.D. Rode, API, Chaitalsar Police Station, Thany City present.

Mr. Mubin Solkar i/b. Nikita Ajwani for Intervener/complainant.

CORAM : M.S.KARNIK, J.

DATE : OCTOBER 13, 2021

P.C.:-

This is an application for pre-arrest bail filed in respect of FIR No.I-96 of 2018 registered by the officers of Chitalsar Police Station on 18.05.2018 for the offence punishable under Section 467, 468, 469, 471, 420 and Section 34 of Indian Penal Code.

2. By an order dated 03.12.2019, this Court had granted the interim protection to the Applicant and he was directed to co-operate with the investigation. In terms of paragraph 2 of the order dated 03.12.2019, an amount of Rs.1,25,000/- has been deposited with the Registry of this Court.

3. Learned APP has filed a report dated 13.10.2021 of the Assistant Police Inspector, Chitalsar Police Station, Thane. It is alleged that the Applicant committed forgery in respect of one MOU pertaining to MHADA building No.8, Room No.130, Pokharan Road No.2, Thane of the Suyog Co-operative Housing Society. The report is taken on record. The report indicates that pursuant to the interim protection granted by this Court, the Applicant was arrested and released on bail. The offence was investigated and the chargesheet was filed and therefore, no further investigation is necessary.

4. Considering that the Applicant has deposited an amount of Rs.1,25,000/- in the Registry of this Court; the investigation in respect of the offence is complete and the chargesheet is already filed; the interim protection is operating since 03.12.2019, in my opinion, the custodial interrogation of the Applicant is not necessary.

5. In view of the statement of the learned APP on the instructions of Mr. T.D. Rode, API, Chitalsar Police Station, Thane, Investigating Officer, that the custody of the Applicant is not required for interrogation, the present Application is disposed of. The interim order dated 03.12.2019 stands confirmed. The

amount of Rs.1,25,000/- deposited in this Court be transferred to the Superintendent of the Chief Metropolitan Magistrate Court, Thane. The said deposit shall abide by the order passed by the trial Court viz. Judicial Magistrate First Class (Court Room No.2), Thane. The complainant may make appropriate application for withdrawing the amount which shall be considered by the trial Court on its own merits.

6. The Application is disposed of.

(M.S. KARNIK, J.)