

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2565 OF 2018

Pritesh Damji Savla	...Applicant
Versus	
The State of Maharashtra	...Respondent

None for the Applicant.

Mr. P.H.Gaikwad, A.P.P for the Respondent-State.

PSI S.S.Chavan, Azad Maidan Police Station.

CORAM : REVATI MOHITE DERE, J.
DATE : 7th AUGUST, 2021

P.C. :

1. None appears for the Applicant.
2. Heard learned APP for the State.
3. By this application, the Applicant seeks pre-arrest bail in connection with C.R.No. 232 of 2018 registered with the Azad Maidan Police Station, Mumbai, for the alleged offences punishable under Sections 465, 467, 468, 471, 120B of the Indian Penal Code.

4. Vide order dated 13th December, 2018, this Court (Coram: Prakash D. Naik, J) granted interim protection to the Applicant on certain terms and conditions.

5. Learned APP, on instructions of PSI, Mr. Chavan, states that out of the eleven accused, chargesheet has been filed as against ten accused. He submits that since of the aforesaid application was pending, chargesheet could not be filed against the present Applicant. Learned APP on the instructions of the officer submits that the investigation reveals, that the letter was fabricated by the Trustees of the Trust and on the basis of the fabricated letter, the property was sold by them to M/s Mahavir Developers, of which the Applicant is a partner. It is not the prosecution case that the Applicant fabricated the letter.

6. Perused the papers. A complaint was lodged by M/s.Abhishekh Enterprises, Borivali (W), Mumbai with respect to an agreement dated 13th December, 1995, entered into, with M/s Mahavir Developers, (of which, the Applicant is a partner), for purchase of a plot at Kandivali, Mumbai. It is alleged by the complainant that the letter dated 15th July, 2009 was fabricated by which, the Trust was given liberty to deal

with the property in question, as they may find suitable. It is the case of the Applicant that M/s. Mahavir Developers of which, he is a partner, were bonafide purchasers of the property in question and that the alleged fabricated letter was produced by an Advocate who has also been arraigned as an accused in the said case. Learned APP, on instructions, submits that the said letter dated 15th July, 2009, has been fabricated by the Trustees. Prima facie, there are no allegations that the Applicant, who is the purchaser of the said property, was involved in the fabricating of the letter. The Applicant has attended the concerned Police Station as directed by this Court vide order dated 13th December, 2018.

7. Considering the aforesaid, custodial interrogation of the Applicant is not warranted. Accordingly, the interim order dated 13th December, 2018 stands confirmed on the following terms and conditions;

ORDER

- (i) In the event of the arrest, the Applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) The Applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any,

from time to time, to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iii) The applicant to co-operate in the conduct of the trial;

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.