

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.606 OF 2022

Irfan Mahibub Shaikh

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Ujwal R. Agandsurve for the Applicant.

Mr.A.R. Kapadnis, APP for the Respondent-State.

Mr.Y.S. Gaikwad, IP, Vijapurnaka Police Station, Solapur.

CORAM : C.V. BHADANG, J.

DATE : 7 MARCH 2022

P.C.

The Applicant, apprehending arrest, in connection with the investigation of Crime No.664 of 2021 registered with Vijapur Naka Police Station, District-Solapur, under Section 465, 467, 468, 471, 420, 380, 504 and 506 read with Section 34 of Indian Penal Code is seeking anticipatory bail.

2. The allegation is that the Applicant was instrumental in getting the alleged Will dated 14 December 2020 of Mr.Narendra Dahihande who is the father-in-law of the first informant Swati Raghunandan Dahihande executed.

3. I have heard the learned counsel for the parties. Perused case diary.

4. The learned counsel for the Applicant submitted that Parasnath Sadashiv Narayankar, who is an Advocate and Notary who has notarized the Will, has been granted anticipatory bail by this Court by order dated 2 February 2022 in ABA No.259 of 2022. He submitted that the signature of the Applicant does not figure on any of the documents and the FIR does not disclose any role which is attributable to the Applicant in the matter of the execution of the Will. He submitted that the evidence is documentary in nature, which the Investigating Officer can seize and custodial interrogation of the Applicant is not necessary.

5. The learned Additional Public Prosecutor has pointed out the statements recorded during the course of the investigation. It is submitted that it had transpired during the investigation that the Applicant was actively involved and was present at the various stages of obtaining of the stamp papers and the execution of the Will.

6. It is pointed out that there are also statements to show that the Applicant had threatened the witnesses. He pointed out that it had transpired during the investigation that it was the Applicant who had signed on the Will as Shobha Dahihande. The learned Additional Public Prosecutor further pointed out that there are criminal antecedents against the Applicant and the custodial interrogation is necessary.

7. I have considered the circumstances, and the submissions made. Presently I am only concerned with a prayer for anticipatory bail. It is necessary to note that the material collected during the course of the investigation, which is part of the case diary, cannot be disclosed as the investigation is still in progress. Suffice it to mention that there are statements of witnesses claiming that it is the Applicant who had signed as Shobha Dahihande on the Will. There are statements to show exchange of an amount of Rs.35,000/-. There are also statements showing that there was attempt to threaten the witnesses.

8. Although the co-accused Parasnath Sadashiv Narayankar has been granted anticipatory bail, Mr.Sutaria, the learned counsel for the Applicant, in all fairness did not claim any parity, as the role attributed to Parasnath Narayankar is distinct than the role of the present Applicant. It is well settled that the custodial interrogation is more elicitation oriented than where the Applicant/Accused is having protection of the anticipatory bail.

9. Considering the overall circumstances, I do not find that a case for grant of pre-arrest bail is made out. The Criminal Application is accordingly rejected.

10. It is however made clear that the observations are only for the limited purpose of deciding the Application for

anticipatory bail and shall not be binding at any subsequent stage of consideration of an Application for regular bail, if any.

C.V. BHADANG, J.