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

ANTICIPATORY BAIL APPLICATION NO. 184 OF 2020

JAYESH THOKARSHI SHAH ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Dr. Samarth S. Karmarkar a/w. Ms. Kalyani Virkar I.b,
Karmarkar & Associates for the applicant.
Smt. Veera Shinde, APP for the respondent – State.
Mr. Sachin Kotmire, PI, Mira Road Police Station.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 26, 2022.

P.C. :

1. Heard learned counsel for the applicant.
2. This is an application for grant of pre-arrest bail in respect of C. R. No. 59/2019 registered with the Mira Road Police Station under sections 420, 465, 467, 471, 447, 323, 504, 506 of the Indian Penal Code.
3. In brief, it is the prosecution case that the complainant lodged report at police station that the applicant (original accused no.1) along with accused no.2 executed Power of Attorney and sold out property situated at Mauje Goddeo, Old Survey no. 367, Hissa No. 02A/01, new Survey No.64/2/A/1, admeasuring 0.30.09 to accused no. 3. The accused no. 3 had prepared forged map of land and submitted to Mira Bhaindar Municipal Corporation and made

encroachment on the land. On 19/6/2018, the accused had a scuffle with the complainant and his employee and abused them. The dispute is in respect of the land which the complainant claims to be lawfully in occupation of.

4. It is the applicant's case that he was falsely implicated in this crime. According to him, Shri Renald Miranda, Nirmala Miranda, Bibiyan Mure, Reeta Toni Miranda, Linet Menzes, Nelson Mirandam, Tereza Mendosa, Brunadet Kado had executed Power of Attorney in favour of Jayesh Thakarshi Shah (applicant) who was a partner of the company on 25/6/1989. The applicant sold the property to M/s. V. P. Developers, partner Shri Vallabhadas G. Thakkar, Pankaj S. Shah on 10/8/1990. According to learned counsel for the applicant, since then, the applicant has no concern with the said property.

5. On 18/2/2022, the following order came to be passed:-

1. Heard learned counsel for the applicant and learned APP.
2. Learned APP, on instructions, submits that earlier investigating officer is transferred and new investigating officer has taken over the investigation.
3. My attention is invited to the order dated January 23, 2020 passed by this Court refusing interim relief. This Court had adjourned the matter as per the CMIS date at the request of learned counsel for the applicant.
4. When the matter came up today, learned APP, on instructions of the investigating officer submitted that as the allegations pertain to the offences punishable under sections 420, 465, 467, 468, 471, 447, 323, 504, 506 of the Indian Penal Court, the investigating officer wants to

investigate the crime on the basis of the documents which are in possession of the applicant.

5. For the present, it is indicated that, if the applicant presents himself before the investigating officer with the documents required for the purpose of investigation, that would suffice. In this with of the matter, the following order is passed.

ORDER

1. In the event of the arrest of the applicant in C. R. No. 59/2019 of the Mira Road Police Station, the applicant shall be released on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

2. The applicant shall furnish his residential address and contact details to the investigating officer.

3. The applicant shall not tamper with the witnesses or try to contact them.

4. The applicant to attend the investigating officer on 21st, 22nd and 23rd, February, 2022, between 11.00 a.m. and 1.00 p.m. and thereafter, as and when necessary.

6. Stand over to March 7, 2022."

6. Learned APP, on instructions from the investigating officer who is present in the Court, submits that the applicant co-operated with the investigation and submitted all the original documents which investigating officer needed for the purpose of investigation.

7. The alleged offence is mainly based on documentary evidence. The investigating officer submits that the documents produced are sufficient for the purpose of investigation. As the custodial interrogation of the applicant is not required, the application deserves to be allowed in

the following terms: -

ORDER

- i. In the event of the arrest of the applicant in connection with C. R. No. 59/2019 of the Mira Road Police Station, the applicant shall be released on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- ii. The applicant shall furnish his residential address and contact details to the investigating officer.
- iii. The applicant shall not tamper with the witnesses or try to contact them.
- iv. The applicant shall report to the investigating officer as and when called.
- v. The application stands disposed of.

(M.S.KARNIK, J.)