

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.584 OF 2020**

Harvinder Singh Vijan & Anr. .. Applicants

Versus

The State of Maharashtra .. Respondent

**WITH
INTERIM APPLICATION NO.1421 OF 2020
IN
ANTICIPATORY BAIL APPLICATION NO.584 OF 2020**

Mohd.Altaf Dastgir .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.M.K.Kochare i/b White & Brief Advocates & Solicitors for
the Applicants.

Ms.Anamika Malhotra, A.P.P. for the State/Respondent.

Mr.Bhavesh Thakur for the Intervenor.

PI Tanaji Rode attached to Govandi Police Station, present.

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**CORAM: BHARATI DANGRE, J.
DATED : 10th AUGUST, 2022**

P.C:-

1. On 16/03/2020, the interim protection granted in favour of the applicants, by the Sessions Court vide order dated 10/01/2020, was continued.
2. On 06/04/2022, learned A.P.P. made a statement that the Handwriting Expert had informed that the thumb impression and signature of the applicants are not clear and, therefore, fresh specimen thumb impression and signature were requested to be forwarded. Therefore, the applicants were directed to report to the Investigating Officer so that the thumb impression and signature of the applicants can be obtained.
3. After this date, the applicants have made every possible attempts to avoid the attendance, as directed and the various orders which find place in the docket, reflect that every possible excuse has been given for not attending the police station, firstly on being tested positive for Covid, subsequently on account of some heart ailment. The applicants have gone to the extent of even submitting a certificate from the hospital at Gurgaon and the power of attorney holder, who was present in the Court, made a statement that his father is admitted in the

hospital at Gurgaon. The Court on showing it's magnanimity, asked to produce the original medical record and extended the interim protection.

Again on 06/07/2022, when the medical papers were produced, it was noticed by me that the hospitalization and ailment was merely an excuse, as applicant No.1 had left the hospital, against medical advice. Once again, on the request of the learned counsel, leniency was shown to the applicant on 28/07/2022.

4. Even today, the applicants are justifying their absence, now this time on the ground that there is some other C.R. registered in Andheri Police Station and if they come to attend the police station, they shall be arrested.

5. No leniency can be conferred upon the applicants with such defiant and untrusty approach, who have indulged in hoodwinking the Court on every possible ground.

6. As far as the merits of the case are concerned, the applicants are accused of serious offences under Sections 465, 467, 468, 420 read with Section 120-B of I.P.C., when the complainant allege that he had rented out the premises to the applicants vide a leave and license agreement and the rent was

agreed as Rs.30,000/- per month. The agreement was renewed from time to time and so also the rent. Thereafter, there was failure to pay the rent since December 2015 and even there was failure to vacate the premises. The complainant was served with the notice under SARFAESI Act. Proceedings are also initiated before the DRT by the applicants. At that time, it was revealed that the applicants have produced fabricated cash vouchers bearing forged signatures of the complainant and Mr.Sanjeev Kumar to substantiate their claim towards the premises and to project that they have purchased the premises from the original complainant.

The accusations are serious in nature, which definitely require custodial interrogation and the thumb impression and the signature are required to be verified as a part of the investigation. An opportunity was afforded to the applicants to report to the police station and co-operate with the investigation.

On failure to do so, I am not inclined to continue the protection granted to the applicants and it stands vacated.

The application is rejected.

7. In view of the disposal of the application, interim application does not survive and it stands disposed off.

(SMT. BHARATI DANGRE, J.)