

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.804 OF 2022

Mohan Raghuvan Nair .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr. Pradeep Rajgopal with Drishti Shah for the applicant.
Mr. S.V.Gavand, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 10th OCTOBER, 2022

P.C:-

1 The learned counsel for the applicant state that in a C.R. registered on 4/4/2019, he came to be arrested on 18/3/2020 and on completion of investigation, two charge-sheets have been filed; first being filed on 10/7/2019 and the supplementary charge-sheet being filed in June 2020.

2 The applicant face accusations u/s.420, 465, 466, 467, 468, 471, 201, 120B IPC and Section 82 of the Indian Registration Act.

3 The accusations faced by the applicant revolve around a General Power of Attorney executed in his favour by some of the legal heirs of Late Nawab Himayat Jang Bhadur and vide the

Power of Attorney executed in his favour on 27/6/2014. Based on this Power of Attorney, it is alleged that an affidavit-cum-Deed of Confirmation came to be executed on 12/8/2017 and the allegation against the applicant is, though the legal heirs who had appointed him as Power of Attorney, they were not the sole heirs and the property could not have been parted in this fashion by executing the affidavit-cum-Deed of Confirmation. Apart from this, there is revocation of the General Power of Attorney on the subsequent date i.e. 21/3/2018.

4 The learned counsel for the applicant by inviting my attention to the Affidavit-cum-Deed of confirmation would submit that the persons who had given him the Power of Attorney are also signatories to the said deed and he has signed this, in the capacity of the Constituted Power of Attorney for them. The dispute as to whether the persons who had given him the Power of Attorney were entitled to dispose off the property on the basis that they were the sole heirs or there were some other heirs cannot be gone into in the investigation of the subject C.R.

In any case, since now the investigation is complete and the charge-sheet has crystallize the accusation, the further incarceration of the applicant is unnecessary, since it is not the case of the prosecution that he shall not be available for trial or he has some antecedents of a similar nature.

5 The applicant will take consequences of the accusations levelled against him in the charge-sheet filed by the EOW, but at present, since the prosecution intend to examine 26 witnesses and trial has progressed at a snail pace. Hence, the following order :-

ORDER

- (a) The Applicant – Mohan Raghuvan Nair in connection with C.R.No.32/2019 registered with EOW, Unit IX, Mumbai shall be released on bail on furnishing P.R. bond to the extent of Rs.50,000/- with one or more sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
- (c) The applicant shall mark his attendance to the concerned Officer of the EOW Unit-IX, Mumbai on first Saturday of every trimester between 2.00 pm to 5.00 p.m. The Applicant shall attend the trial on regular basis and if he fail to attend on two consecutive dates, the prosecution is entitled

to seek his detention by taking out appropriate application before the appropriate Court.

- (d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)