

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

ANTICIPATORY BAIL APPLICATION NO. 699 OF 2022

Mr. Dhawal Subhash Chawda ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Niranjan Mundargi a/w. Prasanna Bhangale i/b. Kunal Ambulkar
for the Applicant.

Mrs. A.A.Takalkar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 24th MARCH, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant seeking pre-arrest bail in C.R.No. 56 of 2022 registered with Malad Police Station for offences under Section 406, 465, 466, 467, 468, 471, 511 r/w. 34 of Indian Penal Code.

2. Heard Mr. Mundargi, learned Counsel for the Applicant and Mrs. Takalkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Gaurav Shah. A perusal of the record prima facie indicates that one

Ramdeo Bali was the owner of a plot with three storeyed building situated at Malad (East). Said Ramdeo Bali had executed a Power of Attorney in favour of the Applicant and had also entered into Memorandum of Understanding with Jasmine Infrastructure, of which the Applicant is one of the Partners, for redevelopment of the said property for consideration of Rs.3 Crores, out of which Ramdeo Bali had received Rs.25,00,000/- from the Applicant. It is stated that the premises were occupied by tenants and that Ramdeo Bali had initiated proceedings before the Small Causes Court for their eviction. The Applicant who was the Power of Attorney tried to resolve the dispute between Bali and the tenants and accordingly the owner Rajendra Bali withdrew the proceedings. It is stated that subsequently Bali revoked the POA, canceled the MOU and returned above mentioned amount of Rs.25 lakhs and conveyed the land and the building to the first informant for consideration of Rs.2,10,00,000/-. Said Bali expired in the year 2019. The first informant claims right to the property by virtue of Conveyance Deed dated 24.02.2016. The Complainant has lodged the FIR dated 10.02.2022 alleging that between 01.08.2014 to 18.05.2017, the Applicant submitted documents relating to redevelopment, which were allegedly signed by Bali. The first informant has alleged that the said documents were not signed by Bali, and that the Applicant has forged his signature.

4. Prima facie it appears that Bali had entered into MOU for redevelopment of the property and received Rs.25,00,000/- from the Applicant. The documents submitted before MCGM were allegedly forged in the year 2015. Said Bali had not lodged any complaint against the Applicant till the Power of Attorney was revoked and the MOU was canceled. The complaint dated 18.5.2017 was lodged only after the property was conveyed in favour of Gaurav Shah.

5. Even otherwise, considering the nature of accusation, his presence would not be required except for interrogation and for taking specimen signature. Under the circumstances, no case is made out for custodial interrogation. Hence, the Application is allowed on the following terms and conditions:

(i) In the event of arrest of the Applicant in C.R.No. 56 of 2022 registered with Malad Police Station, the Applicant be released on bail on furnishing bail bond of Rs.40,000/- (Rupees Forty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall report to the Investigating Officer for four days from 28.03.2022, and as and when required by the Investigating

Officer for the purpose of investigation and interrogation.

(iii) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(iv) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.

(v) The Applicant shall not interfere with the complainant and the other witnesses in any manner.

PRASANNA P
SALGAONKAR
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(ANUJA PRABHUDESSAI, J.)