

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

ANTICIPATORY BAIL APPLICATION NO. 1063 OF 2022

Waman Shankar Devkar

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Sanjeev Kadam i/b. Satyajeet Joshi & Sandeep Mahadik for the Applicant.

Mrs. S.S.Kaushik, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 21st APRIL, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. for pre-arrest bail in C.R.No.I-62 of 2022 registered with Dongari Police Station for offences under Section 465, 467, 468, 470, 471, 420, 120B of Indian Penal Code.

2. Heard Mr. Kadam, learned Counsel for the Applicant and Mrs. Kaushik, 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 Mr. Vinay Anand Shedge. The allegations in the FIR are that in the year 2000 the Applicant herein had proposed to form a Labour Co-operative Society in the name of the Complainant's father. Accordingly, the Applicant took signatures of the parents and brother of the first

informant on blank papers. It is stated that initially cash of Rs.70,000/- , and later cash of Rs.1,50,000/- was handed over to the Applicant. The society came to be registered on 28.02.2002. The first informant states that it was only in the year 2016 i.e. on the receipt of refund notice from the Income Tax Department, they learnt that the society was registered at the residential address of the first informant.

4. The Complainant has lodged the FIR in March 2022 alleging that his brother Amol Shedge was not the Chief Promoter of the society and that his signatures have been forged in the year 200-2002. The brother of the first informant expired in the year 2008. During his lifetime, he had not made any inquiry nor raised any objection regarding registration of the society. The delay of about 20 years in lodging the FIR would itself render the custodial interrogation futile.

5. The complainant has alleged that he learnt about registration of the society in the year 2016, on receipt of refund notice from the Income Tax Department. The Complainant did not lodge any complaint but in the year 2019, he applied for membership of the said society, which came to be rejected. It was only after the dismissal of the Appeal on 21.03.2022 that the FIR came to be lodged on 22.03.2022. In the facts and circumstances, in my considered view, this is not a case which would justify 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.I-62 of 2022 registered with Dongari Police Station, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive 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 two days on 25th and 26th April, 2022 and further 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.)