

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

ANTICIPATORY BAIL APPLICATION NO.1138 OF 2018

Jeevankumar Laljibhai Barwadia ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Aditya Mithe a/w. Sachin Agawane for the Applicant.
Mr. Sayaji Nangre for the Respondent No.2.
Police Inspector Mane from Azad Maidan Police Stn.
Mr. S.H. Yadav, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 18th APRIL, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant for pre-arrest bail in C.R.No. 87 of 2018 registered with Azad Maidan Police Station, Mumbai for offences under Section 420, 465, 467, 468, 471, 120B of Indian Penal Code.
2. Heard Mr. Mithe, learned Counsel for the Applicant, Mr. Yadav, learned APP for the State, and Mr.Nangre, learned Counsel for the Intervenor. 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 One Meher Kushru Patel, one of the partners of M/s. Parsi Dairy Farm. The Complainant has alleged that one Urvaksh Hoyvoy, who is also one of the partners of the said firm, had forged and fabricated the Power of

Attorney dated 11th January, 2007, wherein he forged the signatures of the other partners and conferred authority in his favour, authorizing him to deal with the property on their behalf. The records prima facie indicate that Urvaksh Hoyvoy had filed Criminal Writ Petition No.2285 of 2018 for quashing the FIR. A perusal of the order dated 23.05.2018 reveals that the parties had entered into an agreement and in terms of para 12 of the consent terms, as well as affidavit dated 10.05.2018, the Complainant who was the Respondent No.2 in the said petition had given no objection for quashing the FIR/Complaint as against the main accused Purvaksh Hoyvoy. Accordingly, Crime No.87 of 2018 registered with Azad Maidan Police Station has been quashed qua the main accused Purvaksh Hoyvoy.

4. The Applicant herein had entered into a Development Agreement with Purvaksh Hoyvoy to develop the property belonging to the partnership firm. There is no prima facie material to indicate that the Applicant herein was involved in forging the Power of Attorney, or that he had knowledge that the Power of Attorney was forged by the main accused Purvaksh Hoyvoy. It is further to be noted that this Applicant was granted interim bail vide order dated 14.06.2018. Learned Counsel for the Applicant states that pursuant to the said order, the Applicant has reported to the Investigating Officer and that he has been interrogated.

5. It is seen that even after four years, the investigation in the present crime is not completed. No satisfactory explanation is forthcoming for

the delay in investigation. It need not be emphasized that right for speedy trial encompasses right for a speedy investigation.

6. Considering the nature of accusation and the material in support thereof, in my considered view, this is not a case which justifies custodial interrogation. Under the circumstances, the Application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.87 of 2018 registered with Azad Maidan Police Station, the Applicant be released on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two solvent sureties in the like amount to the satisfaction of the Investigation Officer, out of which one surety shall be a local surety.
- (ii) The Applicant shall report to the Investigating Officer 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, or tamper with the evidence in any manner.

PRASANNA P
SALGAONKAR
Digitally
signed by
PRASANNA P
SALGAONKAR
Date:
2022.04.22
20:05:40
+0530

(ANUJA PRABHUDESSAI, J.)