

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

**ANTICIPATORY BAIL APPLICATION NO.1455 OF 2018
WITH
CRIMINAL APPLICATION NO.1232 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO.1455 OF 2018**

1. Ramesh Rijhumal Rohra

2. Ram Rijhumal Rohra

...Applicants

Versus

The State of Maharashtra

...Respondent

....

Mr. Sagar Kursija for the Applicant.

Ms Rutuja Ambekar, APP for Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 13th APRIL, 2022.

P.C.:-

1. This is an application under Section 438 of Cr.PC. for pre-arrest bail in C.R. No.204 of 2017 registered with Ulhasnagar Police Station, District-Thane, for offences punishable under Sections 420, 465, 467, 468 and 471 r/w 34 of the IPC.

2. Heard Mr. Sagar Kursija, learned counsel for the Applicants and Ms Rutuja Ambekar, APP for Respondent-State. 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 Giridhari Bherumal Wadhawa. The dispute was in respect of Gala No.498 situated at Ulhasnagar. It is the case of the Complainant that the Applicants prepared false and fabricated documents and transferred the said Gala/ Shop No.498 in the name of the Applicant No.1.

4. The records reveal that the Applicant No.1 had filed a civil suit before the C.J.S.D., Kalyan for declaration that he is the owner of the said shop. Said suit is decreed in favour of the Applicant No.1 and an appeal preferred by the Complainant herein and others was dismissed. Learned counsel for the Applicants as well as the Complainant state that in the Second Appeal No.631 of 2011 filed before this Court parties have arrived at settlement and that the consent terms have been filed. They have placed on record copy of the order dated 5th March, 2021 passed in Second Appeal No.631 of 2011.

5. The records prima facie indicate that the dispute basically is of civil nature. Furthermore, the Applicants were granted interim protection on 24/07/2018, which is operating till date. Learned counsel for the Applicants states that the Applicants have reported to the Investigating Officer and that they have been interrogated.

6. Considering the above facts and circumstances, this is a fit case for grant of pre-arrest bail. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicants in C.R. No.204 of 2017 registered with Ulhasnagar Police Station, District-Thane, the Applicants are ordered to be released on bail on executing PR bonds in the sum of Rs.25,000/- each with one or two sureties each to the like amount;
- (ii) The Applicants shall appear before the Trial Court on each and every date.
- (iii) The Applicants shall keep the Investigating Officer informed of their current addresses and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

7. The Application stands disposed of.

8. In view of disposal of the anticipatory bail application, Criminal Application No.1232 of 2019 does not survive and hence stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)