

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

ANTICIPATORY BAIL APPLICATION NO. 2374 OF 2021

Philip Anton Parmar	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Karansingh B. Rajput for Applicant.
Smt. A. A. Takalkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 11th JANUARY, 2022
(through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 118 of 2015 registered at Bandra Police Station, Mumbai, now transferred to DCP CID, Unit 09, Bandra, Mumbai bearing C.R.No.11 of 2019, under sections 420, 465, 468 and 471 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Karansingh Rajput, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Lawrence Fernandes. His supplementary statement

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was also recorded in the year 2013. His case in brief is that the room in question which is the subject matter of this F.I.R. is originally owned by Merry Fernandes which was purportedly sold to one Sandra D'souza. However, according to the first informant, no such transaction was entered into. All the documents were forged. The ration card in the name of Sandra D'souza was forged. Similarly, the informant's grand mother's signatures on the transfer documents were also forged. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the statement of the informant was recorded in the year 2013 and F.I.R. was lodged much belatedly in the year 2015. The ownership of that particular room is seriously disputed and is under litigation. The last order was passed by a learned single Judge of this court on Civil Appellate side. Vide that order dated 01/03/2019 passed in Writ Petition (ST) No. 32844 of 2018 the applicant's right to possess that room was protected and status-quo was directed to be maintained. According to Shri. Rajput, at present, the applicant is occupying that room and question of ownership and allotment of that room is the subject matter of the said civil writ petition.

5. Learned APP opposed this application. She submitted that the applicant's entry in the room is illegal because it is based on forged documents.

6. I have considered these submissions. As rightly submitted by Shri. Rajput, grievance was made in the year 2013 and the F.I.R. is lodged in the year 2015. Status-quo order was passed by this court in the year 2019. After passing of this order, there is no propriety in directing custodial interrogation of the applicant in this case, particularly when that writ petition is still pending before this court and the question of ownership is subjudice before this court. In this view of the matter, custodial interrogation is not justified. He can be directed to co-operate with the investigation.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 118 of 2015 registered at Bandra Police Station, Mumbai, now transferred to DCP CID, Unit 09, Bandra, Mumbai bearing C.R.No.11 of

2019, the applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)