

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1057 OF 2023

Manoj Brahmpal Shukla

...Applicant

vs.

The State of Maharashtra

...Respondent

K. H. Giri a/w Pratik Yadav, Dhinika Shah, Ajay Mishra, Shravan Giri -
Advocate for the Applicant

Mr. Y. Y. Dabke - APP for the Respondent-State

PSI Vinayak Jadhav – Nalasopara Police Station

CORAM : S. M. MODAK, J.

DATE : 27th APRIL, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned
APP. Investigating officer is present.

2. Though initially, the F.I.R. is lodged for impersonation by
the first informant Anand Baburao Valinjikar on 11/01/2023 and
subsequently, he has entered into registered cancellation deed on
09/03/2023 with present Applicant. In view of that this Court feels
that the case for protection from arrest is made out.

3. When the first informant Anand Valinjikar got

information about mutation on the basis of the registered lease dated 24/11/2021, from Talathi, he was shocked. He has never executed an agreement thereby granting a lease on portion of the land to the present Applicant. Though he was not sure as to which person impersonated him that is why he lodged the complaint with Nalasopara Police Station and it is registered under Sections 420, 465, 467, 468, 471 of the Indian Penal Code against unknown person.

4. The Applicant apprehended arrest and approached the Court of Additional Sessions Judge, however he was not successful therein. After lodging of F.I.R. Anand Valinjikar entered in to cancellation deed on 09/03/2023. It is produced on record at page no. 46. Now the rights and responsibility alleged to be created as per lease deed dated 24/11/2021 have come to an end. As per the instructions, learned APP submitted that first informant Anand admits about entering into cancellation deed with this Applicant.

5. It is submitted that yesterday only Police have arrested the person who have impersonated the said Anand while executing lease deed on 24/11/2021 and he was dealt with as per law.

6. Be that it may, considering the abovesaid development

custodial interrogation of this Applicant is not required. If at all the presence of the present Applicant is necessary, he can be directed to give attendance to the Police Station.

7. Learned Advocate for the Applicant assures the Court that his client will co-operate with Police in that behalf.

8. In view of that following order is passed:-

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) In case of arrest in connection with C.R. No. 27 of 2023 registered with Nalasopara Police Station for the offence punishable under Sections 420, 465, 467, 468, 471 of the Indian Penal Code, the Applicant be released on furnishing Personal Bond and Surety Bond in sum of Rs. 25,000/-.
- (iii) Applicant is directed to give attendance to the Nalasopara Police Station on every Thursday from 10.00 a.m. to 12.00 noon for six months.
- (iv) Applicant shall not threaten the prosecution witnesses.
- (v) The Applicant shall regularly attend the proceedings before the trial Court.

(vi) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail.

9. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

10. Application is disposed of in the aforesaid terms.

11. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]