

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

**ANTICIPATORY BAIL APPLICATION NO.1416 OF 2023
WITH
INTERIM APPLICATION NO.1950 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.1416 OF 2023**

Chandrasen Gajanan Shirdhankar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Nilesh Pandit i/b. Mr. Anjesh Nilesh Adevacate LLP for the Applicant.

Mr. R.M. Pethe, APP for the Respondent -State.

Mr. S.R. Gaud for the Intervenor.

Mr. Prashant Kamble, PSI, Matunga Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 15th JUNE, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. No.690 of 2022 registered with Matunga Police Station, Mumbai, for the offences punishable under Sections 465, 467, 468 and 471 of the IPC.

2. Heard Mr. Nilesh Pandit, learned counsel for the Applicant and Mr. R.M. Pethe, learned APP for the Respondent -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 Pritam Kailas Shirdhankar, nephew of the Applicant herein. The First Informant claims that there are three rooms in a building, which were originally owned by one Laxman Zaver. It is stated that Room No.3 was in possession of his father. Room No.1 was occupied by his uncles - Gajanan Shirdhankar, Madhusudan Shirdhankar and Mangaladhish Shirdhankar and paternal aunt- Sandhya Shirdhankar. Room No.2 was in possession of Madhukar Nikam. The First Informant claims that some time in the year 2010, the Applicant partitioned Room No.1 and started residing in the said portion. It is stated that he had also obtained unauthorised electricity connection in the said portion of the room on the basis of false documents. The First Informant further claims that the Applicant has obtained electricity connection to the said portion by mentioning Room No.3. The First Informant claims that his uncle Shridhar Shirdhankar died in the year 2005. The Applicant herein forged his signature and submitted NOC before the BEST in the year 2010.

4. The records reveal that the alleged forgery is of the year 2010 and that they have gained the knowledge of the same in the year 2018. Learned counsel for the Intervenor states that the Intervenor had already lodged a complaint before the police in the year 2018. A copy of the same is placed on record, which indicates that the First Informant had addressed the complaint to several other authorities including Senior Police Inspector of Shivaji Park Police Station. This cannot be construed as the FIR under Section 154 of the Cr.P.C. Furthermore, the First Informant did not pursue the said complaint and he has lodged the FIR about the incident of 2010 only in the year 2023.

5. It is stated that all the original documents, which are allegedly forged are submitted before the BEST. Hence, there is no possibility of the Applicant tampering with the documents. Learned APP states that till date the Investigating Officer has not obtained specimen signature of the Applicant. No justifiable reasons are given for not obtaining the specimen signature of the Applicant and for not forwarding the documents to the handwriting expert.

6. Considering the above 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.690 of 2022 registered with Matunga Police Station, Mumbai, the Applicant is ordered to be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;
 - (ii) The Applicant shall report to the concerned Investigating Officer for a period of two days i.e. 19/06/2023 and 20/06/2023 between 11.00 a.m. to 2.00 p.m. and further as and when required by the Investigating Officer for the purpose of investigation;
 - (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;
 - (iv) The Applicant shall keep the Investigating Officer informed of his current address 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. The interim application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)