



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2867 OF 2023**

Narayan Shankar Thevar	...	Applicant
versus		
The Senior Inspector of Police and Ors.	...	Respondents

Mr. Ajay Harish Lad, for Applicant.
Smt. A.A.Takalkar, APP for State.
Mrs. Sunita Warang i/by Mr. Satish Mishra, for complainant.
Mr. Sukhadev Khaje, API Vakola Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 6 NOVEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. Learned Counsel for Respondent No.3 seeks leave to tender affidavit in Reply.
3. Leave granted.
4. Affidavit in Reply is taken on record.
5. This is an application for pre-arrest bail in connection with C.R.No.446 of 2023 registered with Vakola Police Station for the offences punishable under Sections 406, 420, 467, 471, 474 of the Indian Penal Code.
6. The first informant who is the resident of Shankar Gawli Chawl, which went for redevelopment, had acquired a room of the applicant in the year 2003 for a consideration of Rs.3,80,000/-. Post redevelopment, room No.A-406 came to be

allotted purportedly in the name of the applicant. However, the first informant was put in possession of the said room. The first informant was insisting for execution of the conveyance by the applicant. The first informant alleged, instead of executing a conveyance in favour of the first informant, the applicant executed conveyance in favour of one Rahul Mishra by allegedly forging the NOC issued by Mr. Pravin Gawali, the Secretary of the Society, who also happened to be the person who had brokered the transaction between the applicant and the first informant.

7. The learned Counsel for the Applicant submitted that the first informant has suppressed material facts while lodging the FIR. The first informant had lodged a complaint with SRA. SRA examined the said complaint and rejected the request of the first informant to cancel the permission for transfer granted on 8 September 2022. Thereafter, the first informant had lodged this report.

8. The learned APP and the learned Counsel for Respondent No.3 resisted the prayer for pre-arrest bail. It was submitted that by forging the signature of the secretary on the NOC, the room came to be transferred in favour of one Rahul Mishra. Therefore, the custodial interrogation of the applicant is warranted.

9. Prima facie, it appears that the applicant and the first informant are *pari delicto*. The first informant was very much an occupant of the Shankar Gawali Chawl, which went for redevelopment in the year 2001. The parties were aware that under the said development agreement and individual agreements for permanent alternate

accommodation, the occupants were restrained from transferring their rooms till the redevelopment was complete.

10. In any event, the original documents which were allegedly forged are in the custody of the SRA. Whether those documents are indeed forged, is a matter for adjudication. The aspect as to whether the signature of Mr. Pravin Gawali, Secretary of the Society has been forged would bear upon the report of the hand writing expert. At this stage, the applicant can be directed to co-operate with the investigation and furnish specimen hand writing and signature.

11. In the aforesaid view of the matter, I am inclined to allow the application.

12. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Narayan Shankar Thevar in connection with C.R.No.446 of 2023 registered with Vakola Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to Vakila Police Station on 20th to 23rd November 2023 in between 10.00 a.m. to 1.00 p.m. and thereafter, as and when directed.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons

acquainted with the facts of the case.

(iv) The applicant shall submit his specimen hand writing and signature to the Investigating Officer.

(v) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(vi) The Application stands disposed.

(vii) It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail only.

(N.J.JAMADAR, J.)