

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

ANTICIPATORY BAIL APPLICATION NO.192 OF 2024

Vinod Bhaichand Nisar & Anr.Applicants
Versus
State of Maharashtra Respondent

Mr. Vincent D'Silva Advocate i/b. Sujit A.Mane, Advocate for the Applicants.

Ms. Mahalakshmi Ganapathy, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 23rd JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with M.E.C.R.No.6/2016 registered with Andheri Police Station, Mumbai under Sections 420, 461, 467, 468, 469, 471 read with 34 of IPC.

2. Heard Mr. Vincent D'Silva, learned counsel for the Applicants and Ms. Mahalakshmi Ganapathy, learned APP for the Respondent-State.

3. The FIR is a result of the complaint made by one Birendra Dubey. The FIR is registered on 2.3.2016. The subject matter is an SRA project on C.T.S No.81/1 to 6, 168 to 174 at Gundavali, Taluka Andheri, Mumbai. According to

the first informant, the property stands in the name of his father but his father has passed away and the property is in his possession. The property was occupied by the hutment dwellers. They formed a society by the name M/s. Triveni Sangam Co-operative Housing Society Limited. The accused Nos.21 to 23 were the office-bearers of the society. M/s. Chami Nirman & Salient Traders were appointed as the developer of the property. Initially it was a proprietary-ship firm and the Applicant No.1 was the Proprietor. Subsequently the Applicants and others formed a private limited company and the development project was taken over by the said company. The allegations in the FIR are that about twenty hutment dwellers produced false documents in the nature of forged electricity bills to claim their right to possess a tenement in the project. This is the gist of the allegations in the FIR.

4. Learned counsel for the Applicants submitted that the Applicants had entered into an agreement way back in the year 2006 for purchasing that land from the actual owner of the property and, therefore, the Applicants have

the preferential right to develop the property. He submitted that the allegations were made by the first informant in the year 2014 itself. The FIR is lodged in the year 2016 and suddenly after so many years the Applicants are called by the police for investigation.

5. Learned counsel submitted that since August, 2012 the Applicants are not associated with the project. He submitted that the informant has filed Civil Suits and the private complaints. The suits were dismissed. In the private complaint, the informant had asked for the order under Section 156(3) of Cr.P.C. but it was not granted; instead inquiry under Section 202 of Cr.P.C. was ordered. However, all these facts are suppressed in the FIR.

6. Learned counsel for the Applicant seeks permission to file additional affidavit pointing out this fact based on the relevant documents.

7. Learned APP submitted that at this stage it is necessary for the investigating agency to verify the documents which the Applicants want to rely upon and

therefore it is necessary for the Applicants to attend the police station and produce all the relevant documents.

8. Considering these submissions, the Applicants can be protected by way of ad-interim relief till the next date.

9. Hence, the following order:

ORDER

- (i) The Applicants are granted permission to file additional affidavit in support of the Application.
- (ii) In the event of their arrest in connection with M.E.C.R.No.6/2016 registered with Andheri Police Station, Mumbai, till the next date, the Applicants be released on bail on their executing P.R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (iii) This order shall operate till 5.3.2024.
- (iv) The Applicants shall attend the concerned Police Station from 12.2.2024 to 15.2.2024 between 1:00 p.m. to 5:00 p.m. and thereafter as and when called. The Applicants shall cooperate with the investigation.
- (v) Stand over to 5.3.2024.

(SARANG V. KOTWAL, J.)