IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.1932 of 2024

Gopal Rasal Singh
Age: 63 years, Occ: Businsess,
Residing at Flat No.5, 2nd Floor,
Asha Sadan, SV Road,
Near Babulin Naka, Nadiadwala
Colony No.1, VTC: Malad (W),
Mumbai – 400 064 … Applicant

v/s.

The State of Maharashtra
(Through Sr. Inspector of Police)
Malad Police Station,
Malad, Mumbai. … Respondent

Mr RA Shaikh, for the applicant.
Mr AA Naik, APP, for respondent/ State.

Coram: R.N. Laddha, J.
Date: 12 July 2024

P.C. :

Heard Mr RA Shaikh, the learned Counsel appearing on behalf of the applicant, and AA Naik, the learned Additional Public Prosecutor representing the respondent/ State.

2. By the present application, the applicant seeks pre-arrest bail in connection with CR No.546 of 2024, registered at Malad Police Station, Mumbai, for offences punishable under Sections 420, 465 and 468 of the Indian Penal Code.

3. The informant, Rajkumar Shayamsundar Bidavataka, filed a report stating that Sunil Jain and Naina Jain, directors of Weaver Aqua Pvt. Ltd., had rented a property at 84, Vijay Karwadi No.803, SV Road, Malad (West), Mumbai, from the applicant and Rajeshwari Singh for their business operations. As the company's CA, the informant stated that the company had consistently paid rent since 2006. In 2019, two additional packaged drinking water companies were established, with the informant and Pankaj Parashar as its directors. In February 2024, the applicant and his wife demanded the property be vacated. Despite the informant's advise to follow legal procedures, the applicant continued to harass them in an attempt to force them to vacate the premises. On 7 March 2024, an officer from Adani Electricity visited the factory to remove the electric meter. During this visit, they learned that Weaver Aqua Everflo had sent a letter on their letterhead, stating that the company would close and surrender the electric meter while settling outstanding bills. The informant obtained a copy of the letter and found that a false and forged version has been used, leading to the filing of the present complaint.

4. Mr RA Shaikh, the learned Counsel appearing on behalf of the applicant, submits that the applicant is the owner of the

premises, which the informant occupied illegally without paying any rent. The applicant never let out the premises to the informant and he occupied the same by subletting. The informant is neither a director nor a partner in Weaver Aqua Everflow. He submits that the entire case is based on documents, which are already in the custody of the investigation agency, and nothing is to be recovered or discovered from the applicant. The informant is in arrears of rent amounting to Rs.71 lakhs and only to deprive the applicant of this sum, a false crime has been registered. Moreover, there is a gross unexplained delay of almost four months in registering the FIR. The applicant is ready to cooperate with the investigation.

5. Conversely, Mr AA Naik, the learned Additional Public Prosecutor representing the respondent/ State, submits that the applicant prepared a false and forged letter head and stamp of Weaver Aqua Everflow, and therefore, his custody is required to trace out from where and whose help it was prepared. If the applicant is granted anticipatory bail, he may tamper with the prosecution evidence or influence the witnesses.

6. After reviewing the records, it is undisputed that the applicant is the owner of the property and the informant is in arrears of rent. *Prima facie* it appears that the dispute arose when

the applicant, the owner of the premises, insisted the informant to vacate. Moreover, there is a significant delay in lodging the FIR. The alleged document is already in custody of the investigating agency, and the investigation appears to be at the verge of completion. The prosecution's apprehension about tampering with the evidence and influencing the witnesses can be addressed by imposing appropriate conditions. In these circumstances, the application is allowed on the following terms:

(i) In the event the applicant is arrested in connection with CR No.546 of 2024, registered at Malad Police Station, Mumbai, he be released on executing a PR bond of Rs.25,000/-, with one or more sureties of the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required.

(iii) The applicant by himself or any other person shall not tamper with the evidence or influence the witnesses.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)