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

Anticipatory Bail Application No.2121 Of 2024

Lalit Kadir Dongarkar

An adult Indian inhabitant

Aged about 56 years, Occ.Business

Residing at Near Vanela Tank

Kokan Manzil 1st Floor, Kokan Nagar

Madh Jetty Road, Malad West,

Mumbai 400 061

...Applicant

v/s.

The State of Maharashtra

(At the instance of

Malwani Police Station)

...Respondent

Mr Shambhu Jha, i/b. Jainesh Mishra, for the Applicant.

Mr MG Patil, APP, for Respondent State.

PSI Arun Sawant, Malvani Police Station, Mumbai, present.

Coram: R.N. Laddha, J.

Date: 31 July 2024

P.C.:

By this application, the applicant, who is apprehending arrest, seeks anticipatory bail in connection with CR No.1623 of 2023, registered at Malwani Police Station, Mumbai, for offences punishable under Sections 471, 468, 467, 465, 448, 427, and 420, read with 34 of the Indian Penal Code.

2. The prosecution alleges that while the property dispute between the informant's family and Jagdish Gupta was ongoing, the co-accused

engaged in illegal property transfer. They fabricated documents to transfer the property that was in the possession of the Court Receiver. The applicant is accused of accepting money to act as a witness for these conveyance deeds.

3. Mr Shambhu Jha, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that he has been falsely implicated in the present crime. The sole allegation against the applicant is that he acted as a witness to the registered deeds of conveyance. However, the applicant is neither a party to these deeds nor a beneficiary thereof. There has been a significant delay in filing the FIR. The agreements date back to 2021, while the FIR was lodged in 2023. The learned Counsel emphasises that since the documents are already registered and in the custody of the investigating agency, there is nothing to be recovered from the applicant. The applicant is ready and willing to abide by the terms set by the Court.

4. Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/ State, asserts that the applicant acted as a witness to the fabricated deeds of conveyance. According to the co-accused's statement, the applicant received Rs.3,25,000/- and committed to deliver the property's possession. The learned APP contends that the seriousness of the offence warrants caution. Granting pre-arrest bail, he argues, may pose a risk of evidence tampering or witness interference.

5. After perusing the records, it appears that in 1984, the informant's family and Jagdish Gupta entered into a Development-cum-Sale agreement for a parcel of land comprising Survey Nos.53 and 54, along with CTS Nos.1079 to 1080, totalling 199.06 Gunthas in Madh, Mumbai. Subsequently, in 2000, a contractual breach led to civil litigation, where a Court Receiver was appointed. During the pendency of this litigation, the co-accused, Raju Potraj, acquired property rights and sold the land to Sanjiv Kochar. In 2021, Sanjiv Kochar further conveyed the property to multiple individuals through three deeds of conveyance. The applicant stands accused of attesting these deeds of conveyance in the capacity of a witness. *Prima facie*, the genesis of the offence appears of a civil nature, and the entire case hinges on documentary evidence. The purported deeds of conveyance are registered documents and in the custody of the investigating agency.

6. In this backdrop, the applicant's custodial interrogation is not necessary. Appropriate conditions can be imposed to address the concerns relating to the tampering of evidence and influencing the witnesses. Accordingly, the application is allowed in the following terms:

- (i) In the event of the applicant's arrest in CR No.1623 of 2023, registered at Malwani Police Station, Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/-

and furnishing one or more sureties in the like amount.

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

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

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)