

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

**Anticipatory Bail Application No. 2197 of 2024**

Vikas Kaushal Tiwari

Aged 42 years, Occ. Government Contractor,  
Add-House No.1516, Flat No. 603/C-Wing,  
Raghunath Housing Society, Anjurphata Road,  
Opp. Shankar Dying, Kamat Ghar,  
Bhiwandi - 421 305.  
Aadhar No.599716395777

...Applicant

Vs.

The State of Maharashtra  
(At the instance of Shantinagar Police Station  
Bhiwandi Thane)

...Respondent

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Mr. Aslam Malik a/w. Mr. Vijay Tiwari, for the Applicant.  
Mr. Yogesh Y. Dabake, APP for the Respondent – State.  
PSI Shital Lamte, Shantinagar Police Station, Thane, is present.

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**Coram: R. N. Laddha, J.  
Date: 28 August 2024**

**P.C.**

Heard Mr Aslam Malik, the learned counsel for the applicant and  
Mr Yogesh Dabake, the learned Additional Public Prosecutor  
representing the respondent / State.

2. This is an application for pre-arrest bail filed by the applicant,  
who is apprehending arrest in CR No.1267 of 2024, registered at  
Shantinagar Police Station, Thane, for offences punishable under  
Sections 406, 420, 465, 467, 468, 471, and 474 read with 34 of the  
Indian Penal Code (IPC).

3. The prosecution alleges that the informant purchased a plot of land in 1993, but in 2003, the applicant purchased the same land using a forged Power of Attorney. The informant claims they never authorised the sale and approached the applicant to cancel the agreement. The agreement was signed in 2003, but the informant did not read it and later discovered that the applicant had sold the land to some one else, using their forged signatures. The informant and his wife's names were removed from the land records, and the applicant was listed as the owner, leading to the filing of this case.

4. Mr Aslam Malik, the learned Counsel for the applicant submits that there was substantial delay in lodging the FIR. He points out that the case relies heavily on documentary evidence, which the investigating agency already possesses. The learned Counsel emphasises that the dispute is essentially a civil matter, highlighting that co-accused Salma has had the disputed land since 2003 without the applicant previously raising any objections. The applicant has attended the police station and co-operated with the investigation. The co-accused have already been arrested and released on bail.

5. Mr Yogesh Dabake, the learned APP representing respondent/ State, argues that the offence is grave and that there are specific allegations against the applicant contradicting his claim, namely that the complainant and his wife never actually executed a Power of Attorney as alleged by the applicant.

6. Upon reviewing the records, it is evident that there has been a

delay of over twenty years in filing the FIR. The case is primarily based on documentary evidence, which the investigating agency already has. The dispute seems to be of a civil nature. The co-accused, Salma, has possessed the disputed land since 2003 without prior objections from the applicant. The investigation is on the verge of completion. The applicant has attended the police station and cooperated with the investigation. Additionally, the co-accused have already been released on bail. Under these circumstances, custodial interrogation of the applicant is unnecessary. In light of the above, this Court is inclined to grant the bail. Hence, the following order.

### **ORDER**

- (i) In the event of the applicant's arrest in CR No.1267 of 2024, registered at Shantinagar Police Station, Thane, 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, himself or through any other person, shall not indulge in any activities that would tamper with the evidence or influence the witnesses.
- (iii) The applicant shall attend the concerned police station as and when required by the investigating agency and provide all relevant documents and specimen signature and hand writing to the investigating officer.

6. The application stands disposed of accordingly.

**[ R. N. Laddha, J.]**