

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

ANTICIPATORY BAIL APPLICATION NO. 2431 OF 2024

Mangesh Shantaram Gaikwad ... Applicant
Versus
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO. 3717 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 2431 OF 2024**

Manoj Shantaram Gaikwad ... Applicant
Versus
The State of Maharashtra & Anr. ... Respondents

Mr. Amol B. Jagtap a/w Mr. Pratik Jagtap for the Applicant.
Mr. Tanveer Khan, APP for Respondent-State.
Mr. Ashok B. Tajane for the Applicant in IA/3717/2024.
Mr. Kailash S. Kuthe, Ass. P.I., Mahalunge MIDC Police Station.

**CORAM: MANISH PITALE, J.
DATE : 12th SEPTEMBER 2024**

P.C. :

. Heard learned counsel for the applicant, learned APP for the respondent-State and learned counsel appearing for the intervenor (first informant).

2. The applicant is apprehending arrest in connection with FIR No. 0658 of 2024 dated 19th October 2023 registered at Mahalunge MIDC Police Station, Dist. Pimpri-Chichwad, for offences under Sections 420, 465, 468 and 471 read with 34 of

the Indian Penal Code, 1860 (IPC).

3. At the outset, the learned counsel for the applicant submits that this Court has already granted relief of anticipatory bail to the co-accused i.e. wife of the applicant, by an order dated 23rd August 2024 passed in Anticipatory Bail Application No. 2340 of 2024 (*Shubhangi Mangesh Gaikwad v/s. State of Maharashtra*).

4. The informant in the present case is the brother of the applicant and he has alleged that the applicant forged the signature of the informant on certain documents to falsely show that the informant had resigned from Directorship of a company and that in a clandestine manner, the wife i.e. co-accused was inducted as a Director in the said company.

5. The learned counsel for the applicant submits that in the order passed in favour of the co-accused wife, this Court has taken note of an earlier FIR dated 10th July 2023, registered at the very same Police Station, wherein the applicant is the informant and offences have been registered under Sections 323, 324, 504 and 506 read with 34 of the IPC against the informant herein and his wife. It is further pointed out that the present FIR was registered about 3 months after the earlier FIR. It is further emphasized that on 12th July 2023, the informant had issued notice (at Exhibit 'E') to the Board of Directors of the very same company, asking for certain details and inspection of the books and records of the company, wherein he describes himself as a "Former Director",

thereby indicating that the allegation in the FIR about his signature being forged on resignation letter from Directorship of the company, can be said to be false.

6. Attention of this Court is further invited to the fact that in September 2023, a suit has been filed by the applicant for partition of family properties, claiming that the dispute between the parties, is essentially a family dispute of a civil nature, which is sought to be given the colour of criminality by the informant. It is submitted that the applicant is ready to cooperate with the investigation and therefore, this Court may consider granting relief.

7. On the other hand, the learned APP submits that the statement of the informant sufficiently makes out the ingredients of the offences registered against the accused persons, including the applicant. It is submitted that investigation is still underway and since, there is a specific allegation of forgery against the applicant, this Court may not show any indulgence.

8. The learned counsel appearing for the intervenor submitted that the allegations are specific and that the words “Former Director” mentioned in the notice dated 12th July 2023 may be a mistake. It is submitted that the applicant and his wife i.e. the accused persons have acted with criminal intent to deprive the other family members of their rightful dues and therefore, the application deserves to be dismissed.

9. This Court has considered the rival submissions. It is significant to note that the co-accused person i.e. the wife of the applicant is already granted relief of anticipatory bail by the aforesaid order dated 23rd August 2024. The reasons recorded therein while granting relief to the co-accused person, partly inure to the benefit of the applicant also. In fact, this Court is inclined to allow the present application, for the following reasons :

- (a) The FIR appears to be registered in the backdrop of a family dispute, particularly between the applicant and his brother, who is the informant.
- (b) The earlier FIR dated 10.07.2023 was registered at the very same police station, wherein the applicant is the informant and the informant herein and his wife are the accused persons.
- (c) In that context, offences are registered under Sections 323, 324, 504 and 506 read with Section 34 of the IPC. There is substance in the contention that the present FIR registered after more than 3 months, can be said to be a counterblast.
- (d) Although, there is a specific allegation that the applicant has forged the signature of the informant i.e. his own brother on the letter for resignation from Directorship of the company, the notice dated 12th July 2023 at Exhibit 'E' was issued by the informant himself, wherein he has described himself as a

“Former Director”, further stating that he held the position of Director in the company till 14th December 2022, *prima facie* belying the allegation of forgery made against the applicant.

- (e) A civil suit is already filed by the applicant against the informant and others before the competent Court at Pune with respect to the very dispute, which forms the basis for registration of the subject FIR. It can be said that a civil dispute is sought to be given the colour of criminality.

10. For the aforesaid reasons, the application is allowed in the following terms :

- (a) In the event the applicant is arrested in connection with FIR No.0658 of 2024 dated 19th October 2023 registered at Mahalunge MIDC Police Station, Dist. Pimpri-Chichwad, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

- (b) The applicant shall remain present before the Investigating Officer as and when the Investigating Officer calls upon to remain present.

- (c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence

the informant, witnesses or any other person concerned with the case.

(d) The applicant shall cooperate with the investigation and also in the proceedings before the trial Court.

11. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

12. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

13. The application is disposed of.

14. In view of the disposal of the anticipatory bail application, intervention application also stands disposed of.

MANISH PITALE, J.