

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

ANTICIPATORY BAIL APPLICATION NO. 2498 OF 2024

Sudhakar Kashinath Bhoir

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Gajendra Jadhav a/w Mr. Manoj R. Bachate, for Applicant.
- Mr. Mayur S. Sonavane, APP for Respondent.
- Mr. Deepak Dhus, PSI, Vikramgad Police Station, Palghar

CORAM : MANISH PITALE, J.

DATE : 10th SEPTEMBER, 2024.

P. C. :

1. Heard Mr. Gajendra Jadhav, learned counsel for the applicant and Mr. Sonavane, learned APP for the State.

2. The applicant is apprehending arrest in connection with First Information Report No.0152 of 2024, dated 22.06.2024, registered at Police Station Vikramgad District Palghar, for offences under Sections 420, 465, 467, 468, 471 and 380 read with Section 34 of the Indian Penal Code (IPC).

3. At the outset, the learned counsel for the applicant submits that this Court has already granted anticipatory bail to three co-accused persons, against whom the informant has made number of allegations. It is submitted that the FIR is registered in the backdrop of a family dispute between the informant and his father, due to which he has made allegations against his own

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sisters and brother-in-law, who are the accused persons already granted relief by this Court. It is submitted that in the statement of the informant, leading to registration of the FIR, although the name of the applicant has featured, but no overt act is attributed to him and all that is stated is that the name of the applicant along with another person was added in a Change Report pertaining to the year 2022. It is submitted that the tenor of the statement of the informant indicates that he has alleged wrongdoings on the part of co-accused persons for the period between 2010 to 2020 and there is no reference to any overt act of the applicant or to any wrongdoings in the year 2022.

4. The learned APP has opposed the present application, submitting that there are serious allegations of fraud for forgery leveled by the informant, which ought to be taken into consideration.

5. This Court is inclined to allow the present application. The co-accused persons, already granted relief by this Court by order dated 04.09.2024 in Anticipatory Bail Application No.2312 of 2024, are alleged to have undertaken specific acts, leading to registration of the FIR for the said offences. Yet, this Court granted relief to the said co-accused persons and while granting them relief, following observations were made.

“8. *This Court has considered the statement of the informant leading to registration of the FIR and the other documentary material placed on record with the*

application. It is an admitted position that the applicant Nos.1 and 2 are the sisters of the informant and the applicant No.3 is his brother-in-law. All the parties are well educated and they have been associated with the aforementioned Trust for a considerable period of time. It appears that the father of the informant was actively involved in the activities of the Charitable Trust.

9. *The material on record does give an impression that certain disputes and bitterness have arisen between the informant on the one hand and his father and the applicants on the other hand. It appears that in the backdrop of such disputes and bitterness, the informant has chosen to level allegations about certain wrongdoings of the accused persons, including the applicants, concerning the affairs of the said Trust.*
10. *The material on record also shows that the informant himself has been consistently associated with the Trust from the year 2010 onwards as its Treasurer. In the capacity of being Treasurer of the said Trust, obviously, the informant would have been knowing all the activities being undertaken in the office of the Trust, and therefore, prima facie, ignorance shown by him till February 2023 about such wrongdoings appears to be unnatural. Apart from this, the informant has not alleged that his signatures were forged on any of the Change Reports filed from the year 2010 onwards. It is also not alleged that his signatures were forged on an application moved for withdrawing all the three Change Reports from the year 2010 onwards.*

The allegations pertaining to forgery are of a different nature and this further indicates a strong prima facie case in favour of the applicants when they allege that they have been wrongly roped in by the informant in the backdrop of the family dispute and bitterness that has arisen primarily between the informant and his father.

11. *The elaborate statement of the informant leading to resignation of the FIR contains allegations, which appear to be in some aspects 'stale' and this also raises some doubt about the genuineness of the grievances sought to be raised by the informant."*

6. Apart from the fact that the aforesaid reasoning and observations inure to the benefit of the present applicant, there is substance in the contention raised by the learned counsel for the applicant that specific overt act is not even alleged against the applicant and his name is merely referred to in the context of a Change Report pertaining to the year 2022.

7. The applicant is ready to cooperate with the investigation and hence, the present application is allowed in the following terms :

(A) In the event the applicant is arrested in connection with FIR No.0152 of 2024, dated 22.06.2024 registered at Vikramgad Police Station, District – Palghar, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- with 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 on 12.09.2024 between 10:00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.
- (C) The applicant shall cooperate with the investigation, including producing all documents in his possession, as may be demanded by the Investigating Officer.
- (D) The applicant shall not influence the informant, witnesses of any person concerned with the case and he shall not tamper with the evidence.

8. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail.

9. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

10. The application is disposed of.

(MANISH PITALE, J.)