

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2651 OF 2024

Raj Gulab Shaikh ... Applicant
Vs.
State of Maharashtra and another ... Respondents

Mr. Salman Pathan a/w. Mr. Shahabad Shaikh for Applicant.
Mr. Sagar R. Agarkar, APP for Respondent-State.
Mr. M. A. Inamdar, PSI, Wanwadi Police Station

CORAM : MANISH PITALE, J.
DATE : DECEMBER 20, 2024

P.C. :

1. Heard Mr. Pathan, learned counsel for the applicant and Mr. Agarkar, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0162 of 2024 dated 20.02.2024 registered at Wanwadi Police Station, District - Pune City, for offences under Sections 406, 420, 452, 467, 468, 471, 506, 120-B read with 34 of the Indian Penal Code, 1860 (IPC).

3. It is alleged that in a land purchased by way of a sale deed by the informant, it was found that there were encroachers in 10 *gunthas* of the land and when they were confronted, they relied on a power of attorney, purportedly executed by an individual in favour of the applicant. According to the informant, the said document is a forged document and therefore, the applicant and co-accused persons have committed the aforesaid offences.

4. The learned counsel for the applicant submits that the applicant and others resisted the claims of the informant on the basis of the

aforesaid document i.e. power of attorney. It is submitted that when interim order was granted in favour of the applicant by the Sessions Court, he had appeared before the police and handed over the said document and even his statement was recorded. It is also submitted that the applicant undertakes to further co-operate with the investigation and therefore, this Court may consider granting relief.

5. The learned APP, on the other hand, submits that the investigation papers will have to be produced before this Court and the presence of the investigating officer may be necessary. It is submitted that the statement of the informant does make out ingredients of the offences registered in the present case and the applicant appears to be the main accused person.

6. It is to be noted that some of the co-accused persons were granted anticipatory bail. Even in respect of the applicant herein, the interim order was operating during the pendency of his application before the Sessions Court. He appears to have remained present before the investigating officer and it is claimed that the said document was produced before the investigating officer. If the applicant is claiming a right against the informant on the basis of a document, there ought to be material to indicate that the document itself is forged for the investigating authority to claim that a *prima facie* case is made out against the applicant.

7. For the aforesaid purpose, a perusal of the investigation papers would be necessary. Since the applicant is undertaking to further co-operate with the investigation, this Court is inclined to grant interim relief.

8. In view thereof, there shall be interim relief in the following terms:-

A. Till the next date, in the event the applicant is arrested in

connection with FIR No.0162 of 2024 dated 20.02.2024 registered at Wanwadi Police Station, District - Pune City, he shall be released on bail on furnishing PR Bond of Rs.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 23.12.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called;
- C. The applicant shall co-operate with the investigation and produce documents in his possession as may be demanded by the investigating officer;
- D. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

9. In case any of the aforesaid conditions is violated, the present order would be liable to be cancelled.

10. List on 24.01.2025, High on Board.

(MANISH PITALE, J.)

Minal Parab