

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 447 OF 2025

Sham Gurudayal Susgoyer

...Applicant

Versus

State Of Maharashtra

...Respondent

Adv. P. C. Mohite i/b. Adv. Sham Chavan & Adv. Vaishali Mane, Advocate
for the Applicant.

Mr. Amit A. Palkar, APP for the State.

CORAM : **RAJESH S. PATIL, J.**

DATED : 26 FEBRUARY 2025

P.C.:

1. The Applicant is seeking anticipatory bail in connection with C.R.No.955 of 2020, registered at Wanvadi Police Station, Pune on 31 December 2020 for the offences under Sections 420, 465, 467, 468, 471, 447, 506 read with Section 34 of the Indian Penal Code, 1860.

2. It is the case of the prosecution that the informant got knowledge of the disputed sale deed in the year 2012. The informant alleged that the brother of the informant, i.e., Ciril Denis Soloman on 13 May 1988 purchased flat admeasuring 1290 square feet from Shabbirbhai Tayyabbhai Ghodnadiwala. The sale deed was registered with the office

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of the Sub Registrar Haveli. Accordingly her brother erected a cement concrete fencing. Unfortunately, the informant brother's Ciril died on 12 July 1995. The informant is the only legal heirs of her deceased brother Ciril. Hence, the said property stands in her name. Thereafter, Shamrao Dagdu Gaikwad prepared bogus power of attorney of Shabbirbhai Tayyabbhai Ghodnadiwala on 4 October 1989 and also bogus sale deed in favour of Kishor Gurudayal Susgoyer and Sham Gurudayal Susgoyer (present Applicant). The said fact came to the knowledge of the Informant in the year 2012. The original owner Shabbir Ghodnadiwala informed that he had not executed any kind power of attorney in anybody's favour. It is submitted in the present F.I.R. the present Applicant along with Kishor Susgoyer and Shamrao Dagdu Gaikwad had together conspired and prepared bogus sale deed with the intention to cheat. The F.I.R. to that effect was lodged.

3. The present Applicant filed Anticipatory Bail Application No. 7662 of 2024 before the Sessions Court. The Sessions Court, by way of interim protection, directed the Applicant to cooperate with the investigation.

4. However, the Applicant has not cooperated with the investigation despite the interim protection order granted by the Sessions Court. For the reason best known to the Applicant the interim protection order has not been enclosed with the present Anticipatory Bail Application.

5. Thereafter, by its order dated 29 January 2025, the learned Sessions Court rejected the said Application.

6. The learned Advocate for the Applicant submits that the applicant is ready to cooperate with the investigation and the applicant has no role in the alleged crime. He further submits that since the informant is in possession of the subject property, therefore, the custody of the present applicant is not necessary.

7. The learned APP opposes the present Application and submits that, despite the protection order granted by the Sessions Court, the Applicant chose not to cooperate with the investigation. Hence, while deciding the Anticipatory Bail Application, the Sessions Court also took this fact into consideration, and rejected the Applicant's Anticipatory Bail Application.

8. The fact remains that despite the protective order granted by the Sessions Court, the applicant did not cooperate with the investigation. If the Applicant faced any difficulty in attending the office of the Investigating Officer, he should have informed the Investigating Officer accordingly. However, the Applicant neither attended the office of the Investigating Officer nor communicated with the Investigating Officer, even once after the interim protection was granted by the Sessions Court. Therefore, I am of the view that the custody of the applicant is necessary.

9. From the investigation, it appears that the Applicant prepared forged documents and executed a sale deed for the the subject property belonging to the Informant, transferring it to third parties for consideration, despite there being no power of attorney executed by the original owner, Shabbir Ghodnadiwala. The offences committed by the Applicant and other co-accused are of a serious nature.

10. I am of the view that the Applicant will not cooperate with the Investigating Officer and if granted bail he may influence the witnesses in the present criminal case.

11. Taking into consideration the facts of the present case, I find no merit in this Anticipatory Bail Application. Hence, the same stands rejected.

(RAJESH S. PATIL, J.)