

MHCC050062792022



**IN THE COURT OF SESSIONS, AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI  
ANTICIPATORY BAIL APPLICATION NO. 1887 OF 2022  
(C. R. NO. 1438 OF 2022)  
(CNR NO.MHCC05-006279-2022)**

**Rakesh Awadesh Singh @ Rakesh Avadh Singh**

Age – 42 years, Indian Inhabitant,

Residing at : Babu Bhai Chawl, Gaon Devi Road,

Near Shiv Mandir, Poisar, Kajupada,

Kandivali (East), Mumbai - 400 101.

**... Applicant/Accused**

**V/s.**

**The State of Maharashtra**

(Through Samta Nagar Police Station, Mumbai)

**....Respondent**

Ld. Advocate Mr. Tripathi for the Applicant/Accused.

Ld. APP Mr. R. C. Savle for The State.

Ld. Advocate Mr. Sandeep Dubey for the Intervener.

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**IN THE COURT OF SESSIONS, AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI  
ANTICIPATORY BAIL APPLICATION NO. 1888 OF 2022  
(C. R. NO. 1438 OF 2022)  
(CNR NO.MHCC05-006278-2022)**

**Sarojkumar Avdeshkumar Singh**

**@ Guddu Avadh Singh**

Age – 46 years, Indian Inhabitant,  
Residing at : Babu Bhai Chawl, Gaon Devi Road,  
Near Shiv Mandir, Poisar, Kajupada,  
Kandivali (East), Mumbai - 400 101.

**... Applicant/Accused**

**V/s.**

**The State of Maharashtra**

(Through Samta Nagar Police Station, Mumbai) **....Respondent**

Ld. Advocate Mr. Tripathi for the Applicant/Accused.

Ld. APP Mr. R. C. Savle for The State.

Ld. Advocate Mr. Sandeep Dubey for the Intervener.

MHCC050062812022



**IN THE COURT OF SESSIONS, AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI  
ANTICIPATORY BAIL APPLICATION NO. 1889 OF 2022  
(C. R. NO. 1438 OF 2022)  
(CNR NO.MHCC05-006281-2022)**

**Ravindra Chandrabhan Singh @ Pintu Singh**  
Age – 32 years, Indian Inhabitant,  
Residing at : Room No. 6, Raja Ram Verma Chawl,  
Gaon Devi Road, Near Rana Singh Office,  
Poisar, Kandivali (East), Mumbai - 400 101. ... **Applicant/Accused**

**V/s.**

**The State of Maharashtra**  
(Through Dahisar Police Station, Mumbai) ...**Respondent**

Ld. Advocate Mr. Alok Tripathi for the Applicant/Accused.

Ld. APP Mr. Imran Shaikh for The State.

Ld. Advocate Mr. Sandeep Dubey for the Intervener.

**CORAM: H.H.THE ADDITIONAL SESSIONS JUDGE  
SHRI. SHRIKANT Y. BHOSALE  
(C.R.NO.13)**

**DATE : 13<sup>TH</sup> DECEMBER, 2022**

**COMMON ORDER**

All the applicants in above three applications are accused in C. R. No.1438/2022 registered with Samta Nagar Police Station. Initially, the offence under section 141, 143, 145, 148, 147, 448 & 427 of The IPC was registered, however, subsequently investigation officer has added 452 and again added sections 465, 467, 468, 471 of The IPC.

The applicants in anticipation of their arrest in the above crime, have filed these three separate applications for pre-arrest bail.

2. Prosecution by filing say Exh. 2 and additional say Exh. 5, resisted the application. On behalf of the intervener by application Exh. 3 in respective cases, opposed the application.

3. Heard Ld. Advocate Mr. Alok Tripathi for the applicants and Ld. APP Mr. Imran Shaikh for The State and Ld. Adv. Mr. Sandeep Dubey for the intervener.

4. The case of the prosecution appears to be that Room No. 26, Samta Nagar, Kandivali (E) was admittedly the property owned by one Kapildev Pandey who is father of the informant. According to the informant on 14.11.2022 the applicants and some other unknown person forcibly entered in the property and removed the tenant Ajitkumar Rai. After registration of crime, it is revealed that the applicants are claiming that applicant Rakesh Singh in ABA No. 1887/2022 has purchased the property from one Rohit Singh who had purchased the said property from original owner Kapildev Pandey. In further investigation it is revealed that Kapildev Pandey has not executed any deed in favour of Rohit Sing, therefore, the Section for forgery of valuable documents were added.

5. According to the applicants Rohit Singh was the occupier of the room and he was having electricity connection in his name. The present applicant Rakesh Singh had purchased the property from Rohit Singh considering that the electricity connection is in his name. The transfer document was notarized, in such circumstance, it can not be said that applicants forged the valuable documents. It is further submitted that Ajit Rai was the tenant in said room. After notarizing

the documents, the applicants asked the tenant to vacate the room. Accordingly on 14.11.2022 tenant vacated the room peacefully and applicant acquired the possession. Thus, the applicants have not committed any offence. It is their next contention that the prosecution wants to verify the forgery by perusing the original documents, however the applicants are ready to handover the original documents to the investigation officer, therefore, no custodial interrogation is necessary. So far as using force to the tenant is concerned, it is submitted that no injury has been sustained by the tenant nor there is any sign of use of violence, therefore, section 452 is also not applicable. According to him applicant Saroj Singh in application 1888/2022 is brother of applicant Rakesh Singh and at relevant time he was at his native place in UP. The another applicant Ravindra Singh in Application No. 1889/2022 is friend of applicant and they are falsely implicated in the crime. He therefore submits to grant anticipatory bail.

6. As against this Ld. APP submit that the investigation officer has recorded the statement of original owner, who has denied any alienation of the room to anybody. Further it is submitted by investigation officer that inquiry was made with the notary advocate who has denied that the documents between Rakesh Singh and Rohit Singh was notarized by him. He also submit that statement of the tenant has been recorded and he has denied that he handed over possession peacefully to the applicant. On the other hand he claims that he was forced to vacate the premises. According to Ld. APP the above facts clearly shows the involvement of the present applicant in the crime. To establish the case, the investigation officer requires to seize not only the disputed documents, but also required to ascertain whether the seal and stamp used on the disputed documents are forged

or otherwise and required to seize the same. If the forgery is made by the applicants, then their custodial interrogation is absolutely necessary to recover the forged documents, used seal and stamp.

7. It is also submitted that Rohit Singh is history-sheeter and he has been ex-terned by the appropriate authority, in such circumstance, there is no possibility that he could have entered in Mumbai for execution of document in favour of applicant Rakesh Singh. The other applicants have allegedly got the room vacated from the tenant, as such their role is also established.

8. After having regards to the respective arguments and facts of the present case, it is seen that the offence of grabbing the immovable property is definitely offence of a serious nature. The facts pointed out by the investigation officer and by Ld. APP prima facie shows the involvement of the applicant in the alleged crime. Even for sake, it is admitted that applicant Rakesh Singh had purchased the property still the material on record shows that the room in question was forcibly got vacated from the tenant. Such a right even not possessed by the undisputed owner of the property. It is further seen that there is a strong case of preparation of forged documents, since the original owner is denying any alienation by him. The contention of the applicants that they verified the fact of occupation by Rohit Singh can not be accepted at this juncture, since according to the applicant themselves the room was occupied by tenant.

9. From the above discussion, the Court is satisfied that there is a *prima facie* case established against the applicant, the allegation are of serious nature and the scope of investigation of such crime is always vast, including the custodial interrogation. In short, if proper

investigation of the case is to be done, then protection to the applicant can not be granted. The application therefore deserved to be dismissed. Hence, the order.

**Common Order**

- 1. Anticipatory Bail Application Nos. 1887 of 2022, 1888 of 2022 and 1889 of 2021 stands dismissed.**
- 2. Original order be kept in ABA No. 1887 of 2022 and its copies be kept in ABA Nos. 1888 of 2022 and 1889 of 2022.**

**(Dictated and pronounced in presence of Ld. Advocate for Applicant & Ld. APP)**

**Date: 13.12.2022**

**(Shrikant Y. Bhosale)**  
The Addl. Sessions Judge  
City Civil & Sessions Court,  
Borivali Division, Dindoshi.

Dictated on : 13.12.2022  
Transcribed on : 13.12.2022  
Checked & corrected on : 15.12.2022  
Signed on : 15.12.2022  
Sent to Dept. on :

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”

Date : 17/12/2022

Time : 3.19 P.M.

UPLOAD DATE AND TIME

Ms. Tejal C. Rane

(Stenographer Grade-I)

NAME OF STENOGRAPHER

Name of the Judge (with Court room no.)

**HHJ S. Y. BHOSALE  
(Court Room No.13)**

Date of Pronouncement of  
JUDGMENT/ORDER

13.12.2022

JUDGMENT/ORDER signed by P.O. on

15.12.2022

JUDGMENT/ORDER uploaded on

17.12.2022