

MHCC020172072022



IN THE SESSIONS COURT FOR GREATER MUMBAI
AT MUMBAI
ANTICIPATORY BAIL APPLICATION NO.2817 OF 2022
(CRIME NO.901 OF 2022, NAGPADA POLICE STATION)

CNR No.MHCC02-017207-2022

Pannalal Dhimaram Bishnoi,]
Age : 30 years, Occ. : Labour,]
Address : Bhagyalaxmi Pipes Works,]
72, 73 B.P.T. Plot off Ground Floor,]
Magzine Street, 2nd Lane, Darukhana,]
Bombay – 400 010.] **... Applicant/
Accused**

Vs.

The State of Maharashtra,]
(Instance of Nagpada police station).] **... Respondent/
Orig. Complainant**

Appearances :-

Mr. Mohammed Arif Siddiqui, Ld. Adv. for applicant.
Mr. J. N. Suryawanshi, Ld. A.P.P. for respondent/State.

CORAM : VISHAL S. GAIKE,
ADDL. SESSIONS JUDGE,
COURT ROOM NO.22.

DATE : 24th January, 2023.

ORDER

1. This is an application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.901 of 2022 registered at Nagpada police station for the

offence punishable under Sections 465, 468, 471 of the Indian Penal Code.

2. It is the case of the prosecution that, the complainant Navinchandra Padamsi Zaveri owns plot No.72, second lane, Darukhana, Sewree, Mumbai – 10 and he receives income from the said plot. His son is working in a private Company. His livelihood is depended from the income of his son. The said plot belongs to B.P.T. and since last 50 years, is allotted to Padamsi Premji and Company which his father had established. Thereafter, the said plot was transferred in the name of four partners. A electric meter was already installed on the said plot for single phase electric supply. Out of two blocks, one block was given by them on monthly charges of Rs.15,000/- to the present applicant Pannalal Bishnoi. The applicant had demanded a three phase electric supply connection to them. Therefore, in the month of March, 2017, they had applied to B.E.S.T. for the said connection. Thereafter, due to pending dues, the B.E.S.T. employees had removed the earlier electric meter from the said premises. Hence, in the month of September, 2021, they applied to B.E.S.T. for a electric meter and accordingly, a new meter was installed in the said premises. They had paid the electricity charges till the month of January, 2022. As they did not receive electricity bill thereafter, hence, they enquired with the B.E.S.T. authorities regarding it. They were informed that an application in the name of Padamsi Premji and Company was received by B.E.S.T. for removing meter No.3218450. The complainant gave application to B.E.S.T. and obtained a copy of the said application which was given for removal of meter. It was noticed by him that the present applicant forged letterhead of Padamsi Premji and Company

and with the help of forged signature, he made an impression that the said application is being given by the said Company. It is alleged that the applicant is trying to grab the said premises of the complainant and his partners.

3. The say of the Investigating Officer was called. He has stated that, the custodial interrogation of the applicant is necessary for obtaining his specimen signatures. The applicant was given notice under Section 41(A)(1) of the Code of Criminal Procedure, but he did not co-operate. There is possibility that he may threaten and pressurise the witnesses and may destroy the evidence. He may abscond and delay the Court proceedings against him. Hence, the application may be rejected.

4. Heard the parties. Learned counsel for the applicant submitted that, the applicant is innocent and has not committed any offence, as alleged. A property dispute is pending between the applicant and the complainant. The applicant had filed Interim Application No.17465 of 2022 in Appeal From Order No.819 of 2022. The Hon'ble Bombay High Court vide order dated 15/11/2022, granted a temporary injunction against the complainant, his family members, etc. in connection with the said disputed premises. The Hon'ble High Court had also directed the B.E.S.T. authorities to reinstall the electric meter in the said suit/disputed premises. Thereafter, to pressurise the applicant to vacate the suit premises, the present false F.I.R. was given to Nagpada police station. The applicant has co-operated in the investigation and is ready to abide any condition which may be imposed upon him in the event of his application being allowed. Hence, the interim relief granted to him may kindly be made absolute.

5. Learned A.P.P. vehemently opposed the application and reiterated the contents of the say of the Investigating Officer.

6. I have given a thoughtful consideration to the submissions made by the parties and to the documents filed along with the application. The Hon'ble Bombay High Court vide the above stated order, granted temporary injunction in favour of the applicant against the complainant on 15/11/2022 in connection with the disputed premises. Thereafter, on 19/11/2022, the present F.I.R. was given by the complainant. The copy of alleged forged letterhead of the complainant's Company is already received by the complainant from the B.E.S.T. authorities. The original letter can be seized by the Investigating Officer during investigation from the B.E.S.T. authorities. A civil dispute is already pending between the parties. Therefore, in the facts of the case, there is no need of custodial interrogation of the applicant. No criminal antecedents are alleged against him and there is no possibility that he may flee away from justice. Hence, his prayer for anticipatory bail can be granted on appropriate conditions. Consequently, I proceed to pass the following order :-

ORDER

1. Anticipatory Bail Application No.2817 of 2022 is hereby allowed.

2. In the event of arrest of applicant Pannalal Dhimaram Bishnoi in connection with C.R. No.901 of 2022 under Sections 465, 468, 471 of the Indian Penal Code registered with Nagpada police station, he shall be released on executing his P.R. bond of Rs.15,000/- with one surety in the like amount, and on following conditions :-

(a) He shall not tamper with the prosecution witnesses and evidence ;

- (b) He shall furnish his detail address, mobile/contact number, address proof, identity proof at the time of furnishing bail ;
- (c) In case of change of his residence or mobile/contact number, he shall inform it to the Court and Investigating Officer ;
- (d) He shall attend the concerned police station on every Monday between 1.00 p.m. to 5.00 p.m. for the purpose of investigation till filing of the charge-sheet ;
- (e) He shall attend the Court regularly, if any charge-sheet is filed against him ;
- (f) He shall co-operate with the Investigating Officer ;
- (g) He shall not leave the jurisdiction of this Court without the permission of concerned Metropolitan Magistrate and if the case is committed to this Court, without the permission of this Court ;
- (h) He shall not give any threat or pressurise the complainant and witnesses in any manner which may dissuade them from disclosing any fact of the case to the police officer or to the Court.

3. Anticipatory Bail Application is disposed off accordingly.

(VISHAL SADASHIVRAO GAIKE)
ADDL. SESSIONS JUDGE,
CITY CIVIL & SESSIONS COURT,
GREATER MUMBAI.

Date : 24/01/2023.

Directly typed on Computer on : 24/01/2023.
Printed on : 25/01/2023.
Signed on :

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER."	
UPLOAD DATE AND TIME 25/01/2023 at 3.50 p.m.	NAME OF STENOGRAPHER Bahushruta Y. Jambhale
Name of the Judge (With Court Room No.)	H.H.J. Shri Vishal S. Gaike (Court Room No.22)
Date of Pronouncement of JUDGMENT/ORDER	24/01/2023.
JUDGMENT/ORDER signed by PO. on	25/01/2023.
JUDGMENT/ORDER uploaded on	25/01/2023.