

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5426 OF 2009

Deepak Champaklal Jani

.... Applicant

vs

The State of Maharashtra

.... Respondent

Mr.C.R.Mishra with Mr.Nimish Pandya and Ms.Meena Shah i/b. Mr.Niranjan M. Vaghela for the Applicant.

Mrs.A.A. Mane, APP for the State.

**CORAM: ANOOP V. MOHTA, J.
(VACATION JUDGE)**

DATE : 30th December, 2009

P.C.:

1 This is a Bail Application by the accused/applicant who has been charged under Sections 419, 465, 467, 468, 471 of I.P.C. Of I.P.C. The same is registered vide C.R. No.31/2009 at the instance of EOW, CB, CID, Mumbai for the offence punishable under Section 420 of I.P.C. Read with Section 34 of I.P.C.

2 Admittedly, the applicant is in jail since 11.11.2009 upto 17.11.2009 and thereafter in judicial custody since then. The whole prosecution story revolve around the documents and the alleged forgery. The applicant is an erstwhile owner of the property.

3 The other accused Mr.Baldev Singh, who is one of the Director of M/s.Pariwar Infrastructure Private Limited is already on bail as granted by Metropolitan Magistrate 19th Court, Esplanade, Mumbai on 19.11.2009.

4 Considering the reply filed by the prosecution/respondent dated 28.12.2009, the basic apprehension is that the applicant will tamper with the material/evidence though the basic document i.e. Lease deed of the year 2003 is in their custody. Even otherwise, considering the F.I.R. So lodged and the case so made and as there is a dispute regarding the documentation and the signature and/or forgery and specially against the applicant, I see there is no reason that applicant be detained in jail further. However, as the investigation is still in progress, I am inclined to grant bail on the following conditions:

- (i) The applicant be released on bail in the sum of Rs.25,000/- with two equal sureties in the like amount.
- (ii) The applicant be released on bail on cash security till he obtain two equal sureties in the like amount for seven days. Thereafter, he should furnish two solvent sureties of the equal amount in accordance with law.
- (iii) The applicant shall attend EOW, C.B. C.I.D., Mumbai Office twice in a week between 3 to 5 p.m. Regularly and if necessary, as and when required and called by the officer concerned.
- (iv) The applicant shall cooperate in all respect and also provide documents, if any, which are relevant for the purposes of investigation and which are in his possession.
- (v) The applicant shall not influence the witnesses and interfere or obstruct in

any manner in the investigation.

(vi) Any breach of above conditions, will entitle the prosecution to apply for cancellation of bail.

(vii) The learned Magistrate to act on an ordinary copy of this order duly authenticated by Senior Private Secretary.

(ANOOP V. MOHTA, J.)