

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 964 OF 2025
WITH
INTERIM APPLICATION NO.1433 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO. 964 OF 2025

Sanjeeva Shiva Shetty ...Applicant
Vs.
State of Maharashtra & Ors. ...Respondents

Mr. Satyavrat Joshi i/by Ashish Kachole the Applicant.
Mr. S. M. Mangaonkar, APP for State.
Mr. Zawwar Abidi for Intervenor.
Ms. Neelima Pawar, Senior P.I., EOW, Mumbai is present.

CORAM : ADVAIT M. SETHNA, J.
DATE : 15 MAY 2025
(VACATION COURT)

P.C.:

1. The applicant is a 75 year old citizen who apprehends arrest. Heard learned counsel for the parties and with their assistance, perused the record.
2. Mr. Joshi, learned counsel for the applicant first invites my attention to an order dated 9 July 2024, wherein the Court had recorded the statement made by learned APP that a 72 hour prior notice shall be given before taking any coercive steps. Subsequent to such order, Mr. Joshi has drawn my attention to several correspondences of the applicant to the

investigating agency to contend that several documents, originals of which have been furnished to the EOW i.e. the concerned investigating agency in the present proceedings. He would specifically refer to a letter dated 27 February 2025 in this regard. The learned APP would not dispute the fact that the originals of these documents have been furnished to the EOW by the said letter dated 27 February 2025. Mr. Joshi would submit that the disputes revolve around an MoU dated 25 February 2021 and an undated sale deed, in respect of which, there are allegations of forgery. The investigation is underway in respect of such allegations. Mr. Joshi would then refer to a letter dated 26 March 2025 addressed to the investigating officer stating that the original documents have already been submitted and that he is ready and willing to fully co-operate with the pending investigation.

3. It is Mr. Joshi's contentions that the primary documents namely the said MoU and the sale deed are also subject matter of pending civil proceedings. This aspect is not disputed by the learned counsel for the complainant/first informant with regard to the pendency of civil proceedings, where the said MoU and the sale deed are under challenge. Certain declaratory reliefs in such proceedings have been sought in the civil proceedings. Mr. Joshi would draw my attention to the consent terms filed in Civil Suit No.1322 of 2014 which, according to him, would have a

bearing on the subject matter of the present proceedings. Mr. Abidi learned counsel for the complainant would submit that he is not aware of such consent terms.

4. Learned APP strongly objects to any relief at this stage. He would draw my attention to the FIR dated 20 September 2024, where the offences are registered under Sections 120-B, 34, 409, 420, 468 and 471 of the Indian Penal Code, 1860. He would submit that as per the FIR, clear offence is made out qua the present applicant. He would particularly refer to the statement of the notary, which is a part of the investigation which, according to him, would show the direct involvement of the present applicant.

5. I have heard learned counsel for the parties. I have also perused the order of the Sessions Court, by which the anticipatory bail of the applicant was rejected. In my prima facie view, it cannot be at this stage ruled out that the disputes have a civil colour. This is inasmuch the applicant and the complainant would not dispute that there are Civil Suits filed and proceedings pending qua the subject MoU and the sale deed, as noted earlier. Further, there are certain declaratory reliefs sought for in the civil proceedings concerning such documents which also form a subject matter of the present transaction. The applicant has shown his bona fides by appearing before the investigating officer. His statement has been recorded.

6. Mr. Joshi would undertake that as far as the specimen signatures are concerned, the applicant shall comply with such requirement without any delay. He would re-assure the Court that there would be full co-operation with the investigation as also noted in the communication dated 26 March 2025 addressed by the applicant to the investigating agency.

7. Considering the given facts and circumstances, as also the age of the applicant, the Court is inclined to grant ad interim protection to the applicant at this stage, by passing the following order:-

ORDER

- i. In the event of arrest of the applicant during the pendency of this application in connection with C.R. No.981 of 2024 registered with Wagle Estate Police Station, Thane for the offences punishable under Sections 409, 420, 468, 471 and 120-B r/w. 34 of the Indian Penal Code, 1860, the applicant is directed to be released on bail on him furnishing PR bond in the sum of Rs.50,000/- with one or more sureties in the like amount.
- ii. The applicant shall fully co-operate with the investigation and attend the Wagle Estate Police Station, Thane on every Monday at 11.30 a.m. till further orders are passed on this application in this regard.

- iii. The applicant shall on 19 May 2025 appear before the investigating officer and furnish his specimen signatures as required by the investigating agency.
 - iv. The applicant shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same will be immediately informed to the concerned police station.
 - v. The applicant shall not leave the jurisdiction of the Court without prior permission of the Court.
 - vi. The *ad-interim* order will operate till the next date of hearing.
8. With the consent of the parties, list the proceedings for further consideration before the regular Court on 30 June 2025.

[ADVAIT M. SETHNA, J.]