

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION (ST.) NO.17271 OF 2021

Behram Maneck Pardiwala ... Applicant

Vs

The State of Maharashtra ... Respondent

Dr.Sujay Kantawala a/w Ms.Nidhi Chedda and Ms.Neha Ahuja for the applicant

Mr.S.R.Shinde, A.P.P. for the State

CORAM : SURENDRA P. TAVADE, J.
(Vacation Court)
DATE : NOVEMBER 04, 2021

P.C.:

. Heard.

2. In the present application, the applicant is seeking pre-arrest bail in FIR vide Crime No.415 of 2021 registered with D.B.Road Police Station for the offences punishable u/sec. 419, 465, 468, 471, 473, 196, 197, 198, 200 r/w 34 of the Indian Penal Code.

3. It is alleged against the applicant that he was prosecuted for the offence punishable under sections 554, 557, 380 r/w 34 of the Indian Penal Code by Tardeo Police Station. He surrendered before the Police and he was released on bail of Rs.50,000/-. He submitted surety namely Shri Javed Mohammad Padwekar in the year 2016. On enquiry it was revealed that the said Javed Mohammad Padwekar and some other sureties were found to be bogus. It is alleged against the sureties that they submitted false and bogus documents. One of the surety is Javed Mohammad Padwekar who stood surety for the applicant. Subsequently, applicant came to know about registration of crime against his surety. Therefore, he approached the concerned Magistrate and sought permission to furnish cash security. Accordingly, his prayer was allowed. Applicant has deposited cash security in lieu of the surety bond. It appears that on enquiry of Tardeo Police Station, at the instance of the staff member of Girgaon Court, it was revealed that in all, three sureties submitted false documents and stood surety for different accused. Even if the FIR is ready as it is, it does not attribute any illegal act against the applicant.

4. It appears that the applicant has submitted surety bond of Javed Mohammad Padwekar. It was duty of concerned advocate to verify the document of surety and place before the court. It appears that Advocate Sayed has verified the document of surety and on scrutiny of document, surety was

accepted. Therefore, it cannot be said that the applicant was in no way concerned with the preparation of document of his surety. Therefore, prima facie, no offence is made out against the applicant. Therefore, he is entitled for bail. Therefore, I pass following order:

- a. In the event of arrest in connection with FIR vide Crime No.415 of 2021 registered with D.B.Road Police Station for the offences punishable u/sec. 419, 465, 468, 471, 473, 196, 197, 198, 200 r/w 34 of the Indian Penal Code, the applicant be released on interim bail on P.R. bond of Rs. 15,000/- with condition to attend D.B.Road Police Station as and when called by the Investigating Officer till further orders.
- b. Stand over to 02.12.2021.

1.

(SURENDRA P. TAVADE, J)