

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1768 OF 2015

Shri Rajendra S. Parulekar : Applicant
Vs.
State of Maharashtra : Respondent

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Mr. Ashish Dubey i/b. Mr. Madan M. Mishra for the applicant.
Mr. Rajesh More, Addl. Public Prosecutor for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : December 14, 2015.

P.C. :

. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No. 66 of 2012 registered at Malvan Police Station, Dist. Sindhudurg, for offences under sections 465, 467, 468, 471 r/w. 34 of the IPC.

2. The case of the prosecution in brief is that :

In the year 2006, the accused had prepared a false power of attorney purportedly executed by the mother of the first informant in favour of the co-accused Gopal Prakash Kerkar. It is alleged that the applicant herein had signed the said Power of Attorney in token of identification of the mother of the first informant. It is further alleged that on the basis of the said forged power of attorney, the co-

accused Gopal Kerkar transferred the property belonging to the mother of the first informant to one Nagappa. Based on the said allegation, the above stated crime came to be registered against the aforesaid applicant and the other co-accused.

3. Mr. Dubey, the learned counsel for the applicant, has submitted that the offence was allegedly committed in the year 2006 and the complaint was lodged only in the year 2012. He has further submitted that the mother of the complainant was alive and that the applicant had identified her as on the date of the execution of the Power of Attorney. He has submitted that the allegations leveled against the applicant are false.

4. Mr. Rajesh More, learned Addl. Public Prosecutor, submits that the mother of the first informant was bedridden and was not in a position to execute any Power of Attorney. He further submits that the original Power of Attorney is yet to be recovered and the presence of the applicant is required in the custody for the purpose of investigation and interrogation.

5. I have perused the record and considered the submissions advanced by the learned counsel for the applicant and the learned

Addl. Public Prosecutor for the State. The aforesaid crime was registered pursuant to the FIR dated 10th August 2012 lodged by Ritesh Anil Sawant in respect of the incident. The delay in lodging the application would itself not justify custodial interrogation. Moreover, the records reveal that the Power of Attorney was registered in April 2006. The mother of the first informant had expired in June 2006. The mother of the applicant was, therefore alive as on the date of the execution of the Power of Attorney. The question whether she had in fact visited Malvan for the purpose of execution for the said Power of Attorney, is a matter which will have to be decided on merit. At this stage, considering the nature of the allegations leveled, in my considered view, this is not a case which would justify custodial interrogation.

5. Under the circumstances the application is allowed on following terms and conditions.

- (a) In the event of the arrest of the applicant, the applicant shall be released on bail on furnishing Bail Bond of Rs. 15000/- (Rupees Fifteen Thousand only) with one or two sureties in the like amount to the satisfaction of the JMFC, Malvan.

- (b) The applicant shall report to the Investigating Officer for 4 days from 10.00 a.m to 1.00 p.m for interrogation and investigation .
- (c) The applicant shall not leave Dist. Sindhudurg till filing of the charge-sheet, without prior permission of the JMFC Malvan.

(ANUJA PRABHUDESSAI, J.)