

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.405 OF 2015

Shekhar Pralhad Salunkhe	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Prashant Patil, for the Applicant.
Mr. Arfan Sait, APP for Respondent – State.
IO. Mr. S.G. Shinde (PI), Sahakar-Nagar police station, Pune present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 06, 2015**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is prosecuted for the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code in C.R. No. 45 of 2015 registered with Sahakar-Nagar police station, Pune.

2. It is the case of the prosecution that one Sharda Huchedi who was the owner of the land measuring 5000 sq.ft. and she had constructed a building on 1750 sq.ft. On the remaining plot, she constructed a bungalow. She sold some flats of the building to other persons in the year 1988. Sharda expired on 26th July, 2012.

Thereafter, the complainant Renuka Wagh become the owner of the land. Then she realized that the applicant/accused Shekhar Salunkhe by taking disadvantage of ignorance of the complainant, has falsely shown that he had purchased the said land of admeasuring 1750 sq.ft. and also shown that the open land owned by him.

3. The learned counsel for the applicant/accused has submitted that, the applicant has entered into a Sale Deed with the owner of the land i.e. Pakija Shaikh Sadeem and Kariamamma Jayram Shetty and he has paid them money. He further submitted that, the applicant/accused has filed a civil suit against the complainant Renuka and a status quo is granted.

4. The learned prosecutor has opposed the application. He has submitted that the police required custody of the applicant as he has forged the Sale Deed. In fact the Sale Deed was not signed and executed by these three persons. He submitted that, they required custody of the accused to know the address and whereabouts of Jayram Shetty and want to verify the transactions from the account of the accused. Hence, pre arrest bail to the applicant be denied.

5. Perused the first information report and the papers of the investigation. From the documents produced by the applicant/accused, it appears that, a civil suit for declaration is filed by the accused against the complainant. How and whether the amounts as shown, was really paid or not, can be assessed from the bank statement. However, the order of interim protection was passed on 25th March, 2015 and till today the investigating officer could not get the address of Jayram Shetty. Therefore, I am of the view that no custodial interrogation is required in this case.

6. Hence, interim pre arrest bail granted earlier on 25th March, 2015 by this Court, is hereby confirmed on the same terms and conditions. Now the applicant/accused shall attend the concerned police station on every Thursday in between 10.00 am to 12.00 noon till filing of the charge sheet.

7. The anticipatory bail application stands disposed on the above terms.

(MRS.MRIDULA BHATKAR, J.)