

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.619 OF 2015

Adinath Eknath Shinde

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.S.U. Dhakephalkar for the Applicant

Mr.Arfa Sait, APP, for Respondent – State

Mr.P.C. Kamble for Resp. No.2

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

DATE: **JUNE 30, 2015**

P.C.:

1. The application is moved for pre-arrest bail as the applicant/accused is facing charges under sections 406, 420, 467, 468, 471 r/w section 34 of the Indian Penal Code. The complaint is registered at the instance of one Ashish Jain on 26.9.2014 at C.R. No.210 of 2014 of Khadki police station, Pune. There was a land transaction between Ashish Jain and the present applicant/accused and one Harish Wani. The applicant/accused and the other person represented that there is one land for sale at survey No.6, 1A of Wadgaonsheri, Pune. He represented that the owner of the land is ready to sell the land and demanded the money of Rs.21 lacs. Accordingly, the complainant issued cheques of Rs.21 lacs on 12.7.2012 drawn on Vijaya Bank, Khadki, after the notice was issued. However, the applicant/accused and the other person Harish Wani avoided to complete

the transaction. So the complainant asked them to return the amount of Rs.21 lacs which was given by him. He found that the owner of the land was different and the applicant/accused though was not authorised to deal with the land owned by Dnyaneshwar Mulik, he represented him falsely. The applicant/accused forged the signature of Dnyaneshwar Mulik and duped him for Rs.21 lacs. After persuasion, an amount of Rs.3,01,000/- was returned. However, the remaining amount was due from him. Hence, the FIR is lodged.

2. The learned Counsel for the applicant/accused submitted that as on today, the applicant/accused has paid the entire amount with interest to the complainant. He submitted that the complainant is made a party and a Counsel representing the complainant is present in the Court. The learned Counsel for the complainant agreed that the complainant had received the amount of Rs.25 lacs i.e., the due amount with interest and he also produced certain instructions given by Ashish Jain, who has signed and also put his thumb impression. The original of the same be handed over to the Investigating Officer and a photocopy of the same is taken on record and marked 'X' for identification.

3. Learned Prosecutor has opposed the application and submitted that this is an offence of forgery and the police requires custody of the applicant/accused.

4. In view of the submissions of the learned Counsel for the applicant/accused and the complainant, considering the nature of the transaction, the Anticipatory Bail Application is allowed on the following terms:

- i) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/-, with one or two sureties in the like amount;
- ii) The applicant shall not tamper with the evidence;
- iii) The applicant shall not indulge into any kind of offence while on bail;
- iv) The applicant shall cooperate with the Investigating Officer and attend the concerned police station on two Mondays i.e., 6th July, 2015 and 13th July, 2015, between 6 pm to 8 pm.

(MRS.MRIDULA BHATKAR, J.)