

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO.727 OF 2015**

Sharad Govind Bagrao

..Applicant.

versus

The State of Maharashtra

..Respondent.

Mr. Arvind S. Bhandare for the Applicant.

Mr. Arfan Sait, Addl. P.P. for the State.

.....

CORAM : A.S. GADKARI, J.
(VACATION COURT)

.....

22nd May 2015.

P.C. :

This is an Application for anticipatory bail under Section 438 of the Criminal Procedure Code filed by the Applicant for releasing him on anticipatory bail in C.R. No.I-18/ 2015 for the offences under Sections 420, 465, 467, 468, 471 and 472 of the Indian Penal Code registered at Kinhwali Police Station, Taluka Shahpur, District Thane. It is the case of the complainant that the Applicant herein prepared a forged and fabricated power of attorney of the complainant and sold the land bearing Survey No.258/5. While preparing the forged and fabricated power of attorney, the Applicant herein also put a forged signature and thumb impression on the same. He also effected interpolations in the 7/12 extracts thereby showing the deletion of the name of original tenant viz. Mallu Hema Hindola. On the basis of the forged and fabricated power of attorney and other related forged documents, the Applicant got the said deed executed before the Assistant Sub-Registrar, Shahpur bearing No.2655/09 on 12th August, 2009 and has shown that the complainant has received an amount of Rs.4,66,000/-

2. The learned counsel for the Applicant contended that the

Applicant has been wrongly impleaded in the present crime and he has nothing to do with the sale transaction. He further contended that Sakharam Nana Deshmukh himself has executed the sale deed and he has at the most acted as a broker in the said transaction.

3. The learned APP on the other hand submitted a report of the Assistant Police Inspector, Kinhwali Police Station thereby pointing out the fact that the Applicant is a history sheeter on the record of police and there are various crimes recorded against him. The learned APP further submitted that the Applicant is a habitual offender and regularly indulged in similar offences. Apart from the said fact, the F.I.R. makes it abundantly clear that the Applicant has played active role in preparation of the forged and fabricated power of attorney and other documents and has cheated the original complainant by selling his land to third person. The said allegation is of very serious nature and requires thorough investigation of the Applicant.

4. In my considered opinion, the custodial interrogation of the Applicant is very much necessary to unearth the truth and also to recover the bogus stamps prepared by him while executing the forged power of attorney.

In view of the above. The present Application is dismissed.

(A.S. Gadkari, J.)