

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1086 OF 2015

Yogesh Jaysing Zende	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Rahul S. Kulkarni, Adv. for the applicant.
Mr. S. S. Pednekar, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 15th December, 2015.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant who is arrested in Crime No.196 of 2015 registered with Hadapsar Police Station, Pune for the offences punishable under Sections 420, 465, 467, 468, 471 and 477 of the IPC.

2. The said Crime is registered pursuant to FIR lodged by Smt. Archana Dinkar Vanve, Talathi of village Fursungi alleging that the mutation entry No.21929 dated 2nd May, 2000, which is in the name of Murli Ramasjeevan Kori, is fabricated. She has alleged that the present applicant had purchased the property vide sale deed dated 21st October, 2013 on the basis of the fabricated document. Based on the said allegations the aforesaid crime came to be registered against

Murli Kori and the present applicant. The applicant had filed an application for anticipatory bail being Cri. Bail Application No.1717 of 2015 before Sessions Court, Pune. Said application came to be dismissed by an order dated 18th June, 2015. In view of the said dismissal the applicant has filed the present application for anticipatory bail under Section 438 of Cr.P.C.

3. Heard Mr. Kulkarni, the learned counsel for the applicant and Mr. Pednekar, the learned APP for the State. The records prima facie reveal that one Murli Kori had purchased a portion of land of survey No.196 vide sale deed dated 2nd May, 2000. On the basis of said sale deed, the mutation entry No.21929 was made. The records further reveal that the present applicant had purchased the said property from Murli Kori by sale deed dated 21st October, 2013 and subsequently in the year 2015 he had made plots and sold the plots to various purchasers. Said sale deed was executed after publishing the public notice. The records further reveal that respective purchasers have constructed houses in their respective plots.

4. It is to be noted that neither the owner of the property nor the subsequent purchasers have challenged the genuineness of the two

sale deeds dated 2nd May, 2000 and 21st October, 2013. Considering the above facts the allegations in the complaint do not prima facie disclose the offence as alleged. The nature of the allegations levelled against the applicant do not justify custodial interrogation. The applicant is a permanent resident of Bhekrai Nagar, Harpale Vasti, Phursungi, Tal. Haveli, Dist. Pune. There is no possibility of the applicant absconding. Hence the application is allowed on the following terms and conditions :

1. 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 solvent sureties in the like amount.
2. The applicant shall not tamper with the evidence.
3. The applicant shall not leave Pune district till filing of the chargesheet without prior permission of JMFC, Pune.

(ANUJA PRABHUDESSAI, J.)