

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1233 OF 2015

Smt. Aswini Rajendrakumar Tirmake
& Another ..Applicants

v/s.

The State of Maharashtra. ..Respondents

Mr. Amol Joshi for the Applicant
Mr. Y.M.Nakhawa, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 21, 2015.**

P.C.

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.291 of 2015 registered with Satara Police Station for the offence punishable under Section 418, 464, 486, 420, 120(B), 182 of the Indian Penal Code and 82 of Indian Registration Act.

2. The allegations against the applicants in brief are that by two

sale deeds, both dated 29.10.2004 they had purchased two properties situated at Godoli, Satara. It is alleged that one of the sellers namely Najma Shikalgar had already expired prior to the execution of the said sale deed. However, one Shahada Abdul Shikalgar impersonated the deceased Najma and executed the sale deed in favour of the complainant herein. Hence, one Mansi Mudgikar, the incharge Addl. Sub Registrar, Satara had lodged an FIR against the applicant, pursuant to which the aforesaid crime came to be registered.

3. Heard Mr. Joshi, the learned counsel for the applicants and the learned APP for the State. The records prima facie reveal that the said sale deeds were executed on 29.10.2004. The present FIR has been lodged in the year 2015 i.e. after more than 11 years from the date of the execution of the sale deed. The delay in lodging the FIR would be one of the factors for grant of bail.

4. Be that as it may, the records prima facie reveal that the applicants were the purchasers of the said property. The question

whether they had knowledge about the death of said Najma or whether they were bonafide purchasers will have to be adjudicated on merits. The delay in lodging the FIR as well as the nature of the allegations levelled against the applicants, do not justify custodial interrogation of the applicants. The applicants are the permanent residents of Satara. There is no possibility of the applicants absconding. Under the circumstances, in my considered view, the applicants are entitled for grant of anticipatory bail. Hence the application for anticipatory is allowed on the following terms and conditions.

i) In the event of arrest of the applicants in Crime No.291 of 2011 of Satara Road police station, the applicants be released on bail on the applicants furnishing bail bond of Rs.25,000/- each (Rupees Twentyfive Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned JMFC, Satara.

ii) The applicants shall report to the Investigating Officer for a period of seven days from 10 a.m. to 1.p.m. from the date of receipt

of this order, and further as when required by the Investigating Officer for the purpose of investigation and interrogation.

iii) The applicants shall not leave Satara District till filing of the chargesheet without prior permission of the JMFC, Satara.

(ANUJA PRABHUDESSAI, J.)