

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1520 OF 2014

Sukhdeo Balu Jadhav	...Applicant
vs.	
State of Maharashtra	...Respondent

Mr. Prakash Naik, Senior Advocate a/w. Mrs.
Vrushali Raje, learned Advocate for the
Applicant.

Mrs. G.P. Mulekar, APP for the State.

CORAM : P.D. KODE, J.

DATE : FEBRUARY 02, 2015

P.C.

. Heard.

2. For the reasons recorded in the order dated 02-12-2014 my predecessor has granted ad-interim pre arrest bail to the applicant in connection with C.R. No. I-249 of 2013 registered with Kolsewadi police station for the offences punishable under Sections 420, 406, 467, 468 and 471 read with 34 of Indian Penal Code.

3. The say filed by the prosecution in response to the said application is based mainly upon the clue received by the prosecution from the co-accused Chitra Naik and Navnath Patil about the involvement of the applicant. Admittedly name of the applicant is not mentioned in the F.I.R. Even the material from which the clue is received is to the effect that the said co-accused had told the applicant that the entire land was not belonging to Chitra Naik and Navnath Patil and in spite of that the applicant having processed the transaction of conveying the said land from the said co-accused to the builder.

4. The learned APP submitted that material reveals that applicant was signatory of the documents. Be that as it may be, still the learned APP was not able to pin point any material showing that the applicant had knowledge that the lands were not belonging to the said co-accused excepting

the said statement of the co-accused recorded on 31-07-2013.

5. Thus in spite of clue allegedly received by the investigating agency in the month of July, 2013, the inability of the investigating agency to collect further material supporting the said case of the prosecution based upon the statement of the co-accused or collecting any other further material regarding the applicant having forged the 7/12 extract, it is difficult to negative the prayer for pre arrest bail.

6. Needless to add that the genuine need of custodial interrogation of the culprit can not be based upon the speculative basis. Merely because the applicant who is a broker who had processed the transaction by itself is not sufficient to impute knowledge to him of being aware the lands were not owned by Navnath Patil and Chitra Naik.

7. Resultantly, the application is allowed.

8. The ad-interim direction given by my predecessor is hereby confirmed on earlier terms and conditions and in addition now the applicant shall attend the investigating officer on every Monday in between 11.00 am to 1.00 pm and so also on any other day on which he has been summoned by the investigating officer for the purpose of investigation.

9. However, considering the fact that several innocent persons are said to have been effected, liberty to the prosecution to apply for cancellation of bail in event of receipt of any tangible material showing involvement of the applicant.

(P.D. KODE, J.)