

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2688 OF 2014

1. Dinesh Dhanaji Gharat
2. Kishor Krishna Patil

.....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. S. R. Borulkar a/w Mr. Pravin B. Gole for Applicant
Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : JANUARY 21, 2015

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicants herein are arrested on 26/11/2014 in crime no. 87/2014 registered at Pen Police Station for offences punishable under section 420, 465, 468, 182 r/w 34 of Indian Penal Code. All the offences are triable by Court of Magistrate. Learned APP submits that due to non co-operation from the Government Authorities, charge-sheet could not be filed within the stipulated time.

2) It is the case of prosecution that on 25/06/2014, one Anil Donde lodged

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a report at the police station alleging therein that he is the owner of the ancestral property bearing Gat No. 167/7 at village Hamrapur. According to him, he had learnt that the said land was sold in favour of Kamlakar Ganpat Patil by 10 persons who had impersonated themselves as members of Donde family. The role attributed to the present applicants is that applicants had identified non-existing members who had been brought by Kamlakar Patil as the vendors and persons belonging to Donde family. It prima facie appears from the records that Kamlakar Patil had forged pan-cards and other documents to show that the said persons were genuine vendors and members of Donde family and that applicant had only identified them on the basis of the said documents.

3) Learned APP vehemently submits that present applicants happen to be relatives of the principal accused Kamlakar Patil and that they have conspired along with principal accused and cheated the complainant.

4) As against this, learned counsel for the applicants submits that in fact, applicants are only residents of the said village and that it is not necessary that

they would know about the existence of the said members. Be that as it may, it is further vehemently argued that applicants are being tried for offences punishable by Court of Magistrate. They are in custody for more than two months. Charge-sheet is not yet filed.

5) Taking into consideration the papers of investigation and the submissions advanced across the bar, applicants have made out prima facie case for grant of bail.

ORDER

- (i) Application is allowed.
- (ii) Applicants be enlarged on bail on furnishing P. R. bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.
- (iii) Applicants shall report to concerned police station on every Sunday between 10.00 am to 12.00 noon for a period of 8 weeks, commencing from 25/01/2015.
- (iv) Other accused shall not claim parity with present applicants. Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)