

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 10 OF 2016

Narendra Purshuttam Shinde ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Pradeep Gharat for the Applicant
Mrs. Veera Shinde, APP for the Respondent-State.
Mr.Aba Saheb Patil, API from Revdanda Police stn. Alibag.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : JANUARY 06, 2016.**

P.C.

1. This is an application for anticipatory bail filed by the applicant apprehending his arrest in Crime No.96 2015 registered with Revdanda Police Station, District Raigad, for the offences punishable under Section 417, 420, 465, 467, 471 r/w. 34 of the Indian Penal Code.

2. The case of the prosecution in brief is that one Prashant Misal

who was the Sarpanch of Village Korlai, had issued a forged certificate dated 22.9.2012 certifying that Rajaram Narayan Jadhav, grandfather of the complainant Shri Nandkumar Balkrishna Mayekar, was a resident of village Korlai, despite knowing that the said Rajaram Jadhav had expired in the year 1996. It is alleged that based on the said forged document, the property belonging to Rajaram Narayan Jadhav has been sold by one Govind Ramji Olambe to one Suhasini Sunil Birwadkar. The present applicant is one of the signatories to the said sale deed.

3. Pursuant to the complaint lodged by Nandkumar Mayekar, crime has been registered against the said Misal, the applicant herein and the other accused. The applicant had filed an application for bail before the Sessions Court at Raigad. The same has been dismissed vide order dated 9.12.2015. Hence the present application.

4. Shri Gharat, the learned Counsel for the applicant has submitted that the complainant was aware of the said sale deed in the year 2012, despite which the complaint has been registered in the

year 2015. He has further submitted that the applicant was merely a signatory to the sale deed and that the other co-accused who are involved in executing the sale deed have been granted bail/anticipatory bail. He has submitted that the nature of the allegations leveled against the applicant does not warrant custodial interrogation, and hence he is entitled for bail.

5. The learned APP has submitted that the brother of the applicant is an agent and he deals with the purchase and sale of properties. She has further stated that the applicant was aware that the original owner had already expired, despite which he had signed the said sale deed.

6. I have perused the records and considering the submissions advanced by the learned Counsel advocate for the respective parties.

7. The present crime is registered pursuant to the FIR lodged by Nanakumar Mayekar wherein he had alleged that his grandfather Rajaram Narayan Jadhav who is the owners of the property, survey

No.59/5 at village Korlai, had expired on 27.12.1996 and that upon his death, he and his family members are in possession of the said property. The averments made in the complaint prima facie reveal that one Prashant Misal had entered into the property in the year 2012 and that when the complainant had questioned him, said Misal had informed that he had purchased the property from Rajaram Jadhav. The FIR therefore reveals that the complainant was aware about the said sale transaction in the year 2012 despite which the complaint has been alleged only in the year 2015. The delay in lodging the complaint would itself be one of the factors which would not justify custodial interrogation. Furthermore, the applicant herein had only signed the said sale deed as a witness. Prashant Misal and the other co-accused involved in executing the sale deed have already been granted bail/ anticipatory bail.

8. The nature of the allegations and more particularly the delay in lodging the complaint, in my considered view, this is not a case which would warrant custodial interrogation. The applicant is a permanent resident of Raigad district and there is no possibility of

the applicant absconding or thwarting the course of justice. In the facts and circumstances, the applicant is entitled for bail. Hence the anticipatory bail application is allowed on the following terms and conditions:

- i) In the event of arrest of the applicant in Crime No.96 of 2015 registered with Revdanda Police Station, Alibag, the applicant be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned Judicial Magistrate, First Class, Murud, District Raigad.
- ii) The applicant shall report to the Investigating Officer for seven days from 10.00 a.m. to 1.00 p.m. from the date of receipt of this order.
- iii) The applicant shall not interfere with the complainant or the other witnesses in any manner.
- iv) The applicant shall not leave the jurisdiction of Raigad District without prior permission of the learned JMFC, Murud.

(ANUJA PRABHUDESSAI, J.)