

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

ANTICIPATORY BAIL APPLICATION NO.25 OF 2016

Chandrakant Narayan Kawale & Anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr. Gaurav Parkar for the Applicants.

Ms Veera Shinde, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 8th JANUARY, 2016.

P. C. :

This is an application for anticipatory bail filed by the aforesaid Applicant, apprehending his arrest in C.R. No.107 of 2015 registered at Revdanda Police Station, District-Raigad, for the offences punishable under sections 417, 420, 465, 467, 468 and 471 r/w. 34 of the Indian Penal Code, 1860.

2. Mr. Gaurav Parkar, the learned counsel for the Applicants submits that the Applicant No.1 had purchased the property by deed of sale dated 7.3.2002 executed in his favour by the legal representative of one Rajaram Jadhav, original owner of the property. He further

submitted that the Applicants are not involved in committing any crime and the allegations are false and fabricated.

3. Ms Veera Shinde, the learned APP has submitted that the Applicants are involved in committing the offences as alleged. She has further submitted that the Applicant No.1 had sold the property to one Jujin D'souza within a period of three months from the date of purchase. She has submitted that the crime needs to be investigated thoroughly and the presence of the Applicants is required for custodial interrogation.

4. I have perused the records and considered the submissions advanced by the learned counsel for the Applicants and the learned APP for the Respondent -State. The records prima facie reveal that one Prashant Misal had lodged a FIR dated 25.12.2015 alleging that the property under survey No.45/2/A situated at Mouje Korlai was owned by one Rajaram Jadhav. The complainant had stated that the said Rajaram Jadhav had expired on 27.12.1996. Despite which one Vijay Mayekar had sold the property to the Applicant No.1 on the basis of a fabricated power attorney. Pursuant to the said FIR aforesaid crime was registered. It is to be noted that the power of attorney as well as

the sale deed was executed in the year 2002 whereas the FIR was lodged in the year 2015. The delay in lodging the FIR is albeit one of the factors, which would not justify custodial interrogation. Even otherwise the Applicant No.1 is only a purchaser of the said property whereas the Applicant No.2 is only a witness to the sale deed. The nature of the allegations against these two Applicants would not justify custodial interrogation. The Applicants are permanent residents of Raigad-District and there is no possibility of the Applicants absconding and / or thwarting the course of justice. The Applicants also do not have criminal antecedents.

5. Under the circumstances and in view of the discussion supra, the application for anticipatory bail is allowed on the following terms and conditions:-

- (I) In the event of arrest of the Applicants in Crime No.107 of 2015 registered at Revdanda Police Station, District-Raigad, the Applicants be released on bail on furnishing the bail bonds of Rs.20,000/- (Rupees Twenty Thousand only) each with one surety in the like amount to the satisfaction of the learned Judicial

Magistrate, First Class, Murud.

- (II) The Applicants 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 Applicants shall not interfere with the complainant or other witnesses in any manner.
- (IV) The Applicants shall not leave the jurisdiction of District-Raigad, till filing of the charge-sheet without prior permission of the learned Judicial Magistrate, First Class, Murud.

(ANUJA PRABHUDESSAI, J.)