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Mr. Anupam Survey i/b. Ms Shamika Ranade for the Applicant.
Ms Veera Shinde, APP for the Respondent -State.

DATE : 28th JANUARY, 2016.

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

2. Heard Mr. Anupam Survey for the Applicant and Ms Veera Shinde, APP for the Respondent-State.

3. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant 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 one Chandrakant Narayan Kawale on the basis of a fabricated power of attorney. Pursuant to the said FIR aforestated crime was registered. It is to be noted that the FIR prima facie indicates 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. Delay in lodging the FIR is one of the factors, which would not justify custodial interrogation. Even otherwise the Applicant is the permanent resident of village Korlai, District-Alibag and hence, there is no possibility of the Applicant absconding and thwarting the course of justice. The Applicant is stated to be 76 years of age and has no criminal antecedent. Considering all the above factors, the Applicant in my considered view, is entitled for bail.

4. 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 Applicant in Crime No.107 of 2015 registered at Revdanda Police Station, Alibag, District-Raigad, the Applicant be released on bail on

furnishing the bail bond of Rs.20,000/- (Rupees Twenty Thousand only) with one surety in the like amount to the satisfaction of the learned Judicial Magistrate, First Class, Murud.

- (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 other witnesses in any manner.
- (iv) The Applicant 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.)