

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

ANTICIPATORY BAIL APPLICATION NO.120 OF 2016

Sunil Balkrushna Birwadkar

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Rahul S. Kulkarni for the Applicant.

Ms Veera Shinde, APP for the Respondent -State.

Mr. Abasaheb Patil, API, Revdand Police Station, Raigad,
present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 22nd JANUARY, 2016.

P. C. :

This is an application for anticipatory bail filed by the aforesaid Applicant in apprehension of his arrest in C.R. No.96 of 2015 registered at Revdanda Police Station, District – Raigad, for offences punishable under sections 417, 420, 465, 467 and 471 r/w. 34 of the IPC.

2. The facts of the case in brief are that a property belonging to Rajaram Narayan Jadhav was sold by one Govind Olambe in favour of one Suhasini Sunil Birwadkar by deed of sale dated 1.10.2012. The present Applicant, who is husband of said Suhasini, was a witness to

the sale deed. Pursuant to the complaint lodged by Nandkumar Mayekar aforestated crime was registered against the present Applicant and others. Apprehending his arrest the Applicant had filed an application for anticipatory bail before the learned Additional Sessions Judge, Raigad at Alibag. Said application is rejected by order dated 19.12.2015. Hence, the present application.

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. Present crime has been registered pursuant to the FIR lodged by one Nandkumar Mayekar. Said Nandkumar Mayekar has alleged that his grandfather Rajaram Jadhav was the owner of the property under Survey No.59/5 of village Korlai. The complainant has stated that said Rajaram Jadhav expired on 27.12.1996 and upon his death he and his family members are in possession of the said land. The complainant has further stated that in the month of November, 2012, one Prashant Misal had entered into the said property alongwith some workers and was leveling the said property and when he questioned the said Prashant Misal, he informed that he had purchased the said land from Rajaram Jadhav. The complainant had alleged that thereafter upon making enquiry, he

learnt that said Prashant Misal herein had given a false certificate and that with the help of one Govind Olambe he had sold the said property to said Suhasini Birwadkar.

4. The complaint prima facie reveals that the complainant had came to know about the said fact in the month of November, 2012. The present complaint came to be filed on 21.11.2015. The Applicant herein is only a witness to the said transaction. Delay in lodging the complaint itself, in my considered view, would not justify custodial interrogation. The nature of the allegations and more particularly the delay in lodging the complaint does not justify custodial interrogation. Hence in my considered view, the Applicant is entitled for anticipatory bail.

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 Applicant in Crime No. 96 of 2015 registered with Revdanda Police Station, District-Raigad, the Applicant be released on bail on furnishing the bail bonds 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.)