

Anand

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

ANTICIPATORY BAIL APPLICATION NO.205 OF 2016

1. Goraksh Sawata Pandkarkar .Applicants
2. Shankar Uttam Narvade

Vs.

The State of Maharashtra .Respondent

Mr.Ganesh Bhujbal, Advocate, for the Applicants
Mr.Y.M.Nakhwa, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 18.03.2016

P.C.

. Heard learned counsel for the Applicants
and the learned APP for the Respondent – State.

2. By this Application, the Applicants seek pre-arrest bail in connection with C.R.No.162 of 2015 registered with the Ranjangaon MIDC Police Station, District – Pune(Rural), for the alleged offences punishable under Sections 306, 420 r/w.34 of the Indian Penal Code.

3. At the outset, learned counsel for the Applicants states that the Applicants are seeking bail on the ground of parity. He submits that similarly placed accused have been granted anticipatory bail by this Court (CORAM : SMT.ANUJA PRABHUDESSAI, J.) vide orders dated 27.01.2016 & 29.01.2016. He submits that the Applicant, in fact, stands on a better footing, than those who have been granted anticipatory bail. He submits that the Applicants are neither the attesting witnesses to the Sale Deed nor are they the estate agents. He submits that the Sale Deed which was executed was in fact, confirmed by the son of the deceased, as well as by the brother of the deceased and as such, prima facie, there is no material to indicate that the Applicants had committed any fraud or that they had cheated the deceased. From a perusal of the Sale Deed, it appears that the Sale Deed was duly registered before the Sub-Registrar. Prima facie, it appears that the deceased had sold the land to

Sanjay Borkar and other co-accused admeasuring 1 acre from Gat No.78. The brothers of the deceased were consenting parties to the said Sale Deed. According to the prosecution, the signature of the deceased was forged and instead of land admeasuring 4 acre from Gat No.60, land admeasuring 1 acre from Gat No.78 was transferred in favour of Sanjay Borkar and other co-accused. According to the Complainant, the accused had cheated her father and not being able to face the situation, her father had committed suicide.

4. Learned APP does not dispute the fact, that the Applicants' role is similar to that of co-accused, who have been granted anticipatory bail by this Court vide orders dated 27th & 29th January, 2016 in ABA Nos.142 & 175 of 2016 respectively.

5. Perused the papers. It appears that the Applicants are not attesting witnesses to the Sale

Deed nor are they the purchasers of the property.

6. Considering the fact that other similarly placed co-accused have been granted anticipatory bail, the Applicants are also entitled to pre-arrest bail on the following terms & conditions.

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount;

(ii) The applicants shall report to the investigating officer of the Ranjangaon MIDC Police Station, District – Pune(Rural) on every Saturday between 10.00 a.m. and 11.00 a.m. till filing of the charge-sheet;

(iii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The applicants shall inform their latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear, that the observations made herein, are *prima facie* , and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)