

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.641 OF 2014

Dinesh Vasant Chandrate	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Ashok Mundargi, Sr. Adv. a/w. Shriniwas Patwardhan, Adv. for the applicant in ABA.

Mr. Amit Desai, Sr. Adv. a/w. Saket Mone, Adv. a/w. S. Chakraborti, Adv. i/b. Vidhi Partners for applicant in APPLN No.125 and 126 of 2014.

Mrs. G.P. Mulekar, APP for the State.

Mr. Manoj Mohite, Adv. a/w. Purushottam Chavan, Adv. for respondent No.2 to 4 in APPLN No.125 and 126 of 14 and original complainant in ABA No.641 of 2014.

Mr. P.L. Nalwade, Police Officer present.

CORAM : SMT ANUJA PRABHUDESSAI, J.

DATE : 15th February, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.9 of 2014 registered at Waranje, Malwadi, Pune for offences punishable under Sections 420, 466 & 471 r/w. 34 of the IPC.

2. The case the prosecution in brief is that, the applicant along with the other co-accused forged and fabricated 7/12 extracts of the property under survey No.3/1 and 287/9 within the jurisdiction

of the Pune city and thereafter entered into sale transaction dated 1st February, 2012 in respect of both the said properties. It is alleged that by the said sale the applicant has purchased the said property which was already purchased by the complainant in the year 2008. Crime was registered pursuant to the FIR lodged by Jayant Lunawat. Apprehending his arrest the applicant had filed an application for anticipatory bail before Sessions Court, Pune. Said application came to be dismissed vide order dated 7th March, 2014 passed by the Addl. Sessions Judge, Pune. Hence the present application.

3. Heard Mr. Mundargi, the learned senior counsel for the applicant, Mr. Desai, the learned senior counsel for the intervener, and Mrs. Mulekar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

4. The records prima facie reveal that the applicants herein had purchased a portion of land belonging to the heirs of Bhau Nana of survey No.3/01 and 287/9. It is also not in dispute that the complainant herein had purchased remaining portion of the land from the other heirs. There appears to be a civil dispute between the

parties in respect of the said land. It is also not in dispute that the civil suit is pending before the civil court and the rights of the parties in respect of the said land would be finally adjudicated in the said civil suit.

5. It is pertinent to note that the learned Sessions judge had protected the applicants herein till 14th May, 2014. By order dated 15th May, 2014, this Court had protected the applicant and the said interim relief has been extended from time to time. As one of the conditions, the applicant was directed to report to the investigating officer. The learned APP for the State, upon instructions, has submitted that the applicant has joined the investigation and he has been interrogated and that his presence is not required for any further interrogation and investigation. The learned APP has also submitted upon instructions that the investigation against the applicant is almost completed and that the chargesheet would be filed against him before the appropriate Court within a couple of weeks. In the light of this statement, in my considered view, this is not a case which would justify custodial interrogation. Even otherwise the applicants are the permanent residents of the State and there is no possibility of the applicant absconding or thwarting the course of justice.

6. In view of the above circumstances, the application is allowed on the following terms and conditions.

- i. In the event of arrest of the applicant in Crime No.9 of 2014 registered at Waranje, Malwadi, Pune, the applicant shall be released on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one surety in the like amount to the satisfaction of the JMFC. Pune.
- ii. The applicant shall report to the investigating officer as and when required by the investigating officer.
- iii. The applicant shall not leave district Pune till filing of the chargesheet without prior permission of the JMFC, Pune.

(ANUJA PRABHUDESSAI, J.)