

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1614 OF 2016

Chandrashekhar Gokul Narvekar ...	Applicant
Vs.	
The State of Maharashtra ...	Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO. 1602 OF 2016

Bhalchandra Vishwasrao Pawar ..	Applicant
vs.	
The State of Maharashtra ..	Respondent

Mr. Abhijeet P. Kulkarni a/w Mr. Pratik Jagtap Advocate for the applicant in ABA/1614/2016.

Mr. Abhijeet Desai i/b. Ms. Vrushali L. Maindad Advocate for the applicant in ABA/1602/2016..

Ms. Veera Shinde, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 29th September, 2016.

P.C.

The applicants herein are apprehending their arrest in Crime No.440 of 2015 registered at Nigadi Police Station, Dist. Pune, for the offences punishable under Sections 420, 464, 468, 470, 471 read with Section 34 of the Indian Penal code.

2. At the outset, it would be pertinent to note that the applicants had filed an application under Section 438 of Cr.P.C. only after the charge-sheet was filed in Crime No.440 of 2015. The said fact was suppressed before the Court. All that was filed was the first information report and the Remand Yadi of accused Prashant Narvekar had indicated that the applicants are wanted accused in Crime No.440 of 2015. It was contended before the learned Sessions Judge that the applicants are not named in the first information report and, therefore, the learned Sessions Judge at the initial stage was pleased to grant ad-interim relief. Subsequently, the learned Sessions Judge, at the stage of final hearing of the said application, had in fact minutely scrutinized the compilation of the charge-sheet, which included the statements of witnesses, the documentary evidence in the form of the Bank statements and other relevant documents has discussed the merits of the matter and has rejected the same.

3. It is pertinent to note that Prashant Narvekar happens to be the real brother of the applicant – Chandrashekhar Narvekar in Anticipatory Bail Application No. 1614 of 2016. Advocate Bhalcandra Pawar happens to be the brother-in-law of Chandrashekhar Narvekar.

4. The case of the prosecution is that on 8.7.2015, the Branch Manager, Mahanagar Co-operative Bank, Nigadi, Pune, received a phone call from the Nigadi Police calling upon him to furnish the details of Account No.4287. The Branch Manager had instantly given the details. The police had enquired into the same and had informed the Branch manager that the documents which were furnished for opening Account No.4287 in the name of Vikas Datta Pawar are forged, fabricated and sham documents. The Branch Manager was shocked to know from the police officers that there is no such person by name Vikas Datta Pawar. Hence, the Branch Manager Vishwas Thorat lodged a report at the police station alleging therein that on 21.8.2014, a person named Vikas Datta Pawar had approached the Bank in order to open a new account. He had furnished all the requisite documents for opening the account and had deposited Rs.500/- only. During the period 25.8.2014 to 31.3.2015, there was a transaction of Rs.1,25,00,000/- in the said account.

5. In the course of investigation, the Investigating Officer had recorded the statement of one Sunil Narote, who was officiating as Civil Engineer in Pimpri-Chinchwad Municipal Corporation. He had disclosed to the police that the present applicants had informed him that one Vikas

Datta Pawar intends to sell his plot as he is ill and is admitted in a hospital at Mumbai. Naturally, Sunil Narote could not meet Vikas Pawar. Thereafter, there was negotiation and on 12.7.2014, Narote had paid Rs.25,00,000/- in cash to the applicants and had also given them cheques of Rs.2 crores on 15.8.2014, 26.11.2014, 27.3.2015 and 24.6.2015. It appears from the records that the applicants had opened an account in the name of Vikas Datta Pawar only to facilitate the encashment of the said cheques. Mr. Narote had made every effort to contact the present applicants, but they evaded to answer his calls. The statement of account of the said Account No.4287 would show that even for a short period of 5 months, there was a transaction of Rs.1,25,03,060/-. The applicants had induced one Mayur @ Chikya Dhamale to pose as Vikas Datta Pawar while opening the account and he was also arrested in the present case. Similarly, Prashant Narvekar was arrested and at his instance, several fabricated documents were found such as the passbook in the name of Vikas Datta Pawar, leave and license agreements in the name of Chandrashekhar Narvekar, electricity bill of Shubhangi Deshpande, etc.

6. The learned counsel for the applicants have vehemently submitted that the statement of Sunil Narote cannot be relied upon as he

had not lodged any FIR against the present applicants for having been cheated for an amount of Rs.4,87,00,000/-. The said issue cannot be gone into for the reason that Narote is not being prosecuted in the present case. He may have several reasons for not approaching the police in order to avoid any trouble as he is a public servant.

7. The learned counsel for the applicants submits that Bhalchandra Pawar is a Junior Advocate. That he is falsely implicated only because he happens to be the relative of Narvekar brothers. The papers of investigation indicate otherwise. It has transpired that Advocate Bhalchandra Pawar had opened a joint account with one Robert Karianna. In one year, he had deposited about Rs.14, 61,000/- which amount issued by Vedant Builder (Suresh Narote) are deposited in the said account. Moreover, there is no such person called Robert Karianna and that the account is being operated only by Advocate Bhalchandra. Being an Advocate, he has worked against the professional ethics by ignoring the fact that advocacy is a noble profession. There is sufficient material to show that both the applicants have opened fake accounts by furnishing false, forged and fabricated documents and had misappropriated an amount of Rs.4,87,00,000/- in the name of a non-existent person called Vikas Datta

Pawar. The applicants had fabricated 7 x 12 extract in the name of Vikas Pawar.

8. The learned APP has placed on record an agreement to sell dated July 2014 which is executed between Vedant Builders and Associates, whose proprietor is Lahanu Narote and Vikas Datta Pawar showing therein that Survey No.24 of Mouje Balewadi admeasuring 72 Ares was to be sold for consideration of Rs.6,48,00,000/-, including an advance amount of Rs.75,00,000/-. They had also fabricated documents to show that mutation entry indicating that Vikas Pawar had purchased the land from one Ayaz Badruddin Kazi. The applicants have fabricated public documents and created false documents and created false revenue records thereby cheating the Government. It is in these circumstances that the applicants do not deserve the discretionary relief under Section 438 of Cr.P.C.

Both the Anticipatory Bail Applications stand rejected.

(SMT. SADHANA S.JADHAV, J.)