

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Amk

ANTICIPATORY BAIL APPLICATION NO. 1467 OF 2015
WITH
CRIMINAL APPLICATION NO. 926 OF 2015
IN
ANTICIPATORY BAIL APPLICATION NO. 1467 OF 2015

Sameer Bashir Jamadar

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Vidyadhar Koshe i/b Mr. Sachin H. Deokar for the Applicant.

Mr. Anurag Jain i/b Mr. Amey Deshpande for the Intervener in Cr.
Application No. 926 of 2015.

Mr. Arjan Saif, APP for the Respondent-State.

Mr. Pradip B. Patil, API, Koregaon Park Police Station, Pune present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 25th JANUARY, 2016.

P. C. :

1. This is an application for anticipatory bail apprehending the arrest in Crime No. 30/15 registered with Koregaon Park Police Station, Pune for the offence punishable under Section 420, 467, 468, 471, 34 of the Indian Penal Code.

2. The prosecution case in brief is that, one Shivaji Tade has

executed a forged and fabricated sale deed in favour of the applicant herein and had thereby transferred the Plot No.10 belonging to the complainant herein in favour of the applicant. Pursuant to the FIR lodged by Shri Abhijeet Bidkar, the aforesaid crime came to be registered. Apprehending his arrest the applicant had filed the application for anticipatory bail which came to be dismissed by the learned Additional Sessions Judge, Pune vide an order dated 29.09.2015. Hence the present application.

3. Heard the learned Counsel for the applicant and the learned Counsel for the intervener as well as learned APP for the State.

4. I have perused the records and considering the submissions advanced by the learned Counsel for the respective parties. The dispute in the present case is regarding the plot No.10 which was originally owned by Suman Sadashiv Bhosale. The case of the complainant is that the said Suman Bhosale had transferred the said plot in favour of Rajaram Jalla and Murgesh Nair. The complainant has alleged that he has purchased the said plot from Rajaram Jalla and Murgesh whereas the case of the applicant is that

Suman Sadashiv Bhosale had transferred the said plot in favour of Sanjeev Kavade who was the member of the society. The applicant has alleged that the said Jalla was not a member of the society. It is further alleged that the application dated 15.11.2014 filed by the complainant to enroll him as a member was rejected by the society and that an appeal preferred by the complainant has also been dismissed vide order dated 25.12.2015. The applicant has claimed that the society had transferred the plot in favour of the applicant and the said Sanjeev Kavade was the consenting party to the said transaction. The material on record prima facie reveals that the dispute is of civil nature. It is not in dispute that the complainant has filed a civil suit in respect of the same plot for injunction and the said civil suit is pending adjudication before the Civil Court. In my considering view prima facie the nature of allegations do not justify custodial interrogation even otherwise the applicant is a permanent resident of Pune and there is no possibility of the applicant absconding. The applicant has no criminal antecedent.

5. Considering the above circumstances the applicant is entitled for bail. Hence the application is allowed in terms of the following terms and conditions:

- (a) In the event of the arrest of the applicant, the applicant is released on bail furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand only) with one surety in the like amount to the satisfaction of the Judicial Magistrate First Class, Pune.
- (b) The applicant shall report the Investigating Officer for 7 days from 10 a.m. to 1 p.m. from the date of the receipt of this order.
- (c) The applicant shall not interfere with the complainant or the other witnesses in any manner.
- (d) The applicant shall not leave Pune District till filing of the charge-sheet without prior permission of the Judicial Magistrate First Class, Pune.
- (e) In view of the above order, intervention application is also disposed of

(ANUJA PRABHUDESSAI, J.)