

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1651 OF 2015

Pandurang Krishna Methawale ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. J.D. Lokhande, for the Applicant.

Mrs. P.P. Shinde, APP for Respondent – State.

Ms. S.R. Crato, for the Intervener.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **15th APRIL, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 406, 465, 420, 467, 468, 471, 472 and 120(B) of the Indian Penal Code in C.R. No. I-27 of 2013 registered with Vikramgad police station, Palghar. One Bhupendra Yadav filed a private complaint before the learned Magistrate and the learned Magistrate gave direction to police to investigate under Section 156(3) of Code of Criminal Procedure. Pursuant to which the offence was registered by police at C.R. No. I-27 of 2013 at Vikramgad police station, Palghar.

2. It is the case of the prosecution that the complainant

along with his friend wanted to purchase the land in the year 1990. For that purpose, the complainant had given power of attorney dated 12th August, 2008 to the applicant/accused. However, the applicant /accused had earlier prepared a bogus/forged power of attorney dated 21st May, 2008 prior to true power of attorney was executed. It is the case of the prosecution that the applicant/accused on the basis of the forged power of attorney sold the land to himself and thereafter the land was sold to co-accused Smt. Bharti Gaikwad who subsequently sold the land to co-accused Nos. 3 and 4. It is the case of prosecution that at the time of execution of fake/bogus power of attorney, the photographs of the complainant and his co-owner are fixed but some other persons were produced before the office of the Sub-Registrar. Hence, the offence is registered.

3. The learned counsel for the applicant/accused submits that the applicant is innocent. He has not committed any offence much less offence of forgery and cheating. He further submitted that no bogus power of attorney was prepared by him but the complainant and the co-owner have executed true power of attorney on 12th August, 2008 in his favour. He is ready to cooperate with the police.

4. The learned prosecutor as well as the learned counsel for the complainant both oppose the anticipatory bail application. The learned prosecutor produced both the power of attorneys dated 21st May, 2008 and 12th August, 2008. They submitted that custody of the applicant is necessary to find out the persons who have impersonated before the Sub-Registrar as the complainant and the co-owner.

5. Perused the first information report, both the power of attorneys and photographs on record. The name of the owner of the land mentioned in the documents and the real owner of the land are different. Unless the persons who appeared before the sub-Registrar as the complainant and co-owner detected, the investigation cannot be completed and for the same custody of the present applicant /accused is required. Hence, I am not inclined to grant pre arrest bail to the applicant/accused.

6. Hence, anticipatory bail application stands rejected.

(MRS.MRIDULA BHATKAR, J.)