

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

ANTICIPATORY BAIL APPLICATION NO.1705 OF 2015

Kashinath Hunchappa Gaudgunde & ...Applicants
Ors.

Versus

The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1706 OF 2015**

Umakant Bhimashankar Bachute & ...Applicants
Anr.

Versus

The State of Maharashtra ...Respondent

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Mr. Priyal G. Sarda for the Applicants.
Ms G.P. Mulekar, APP for the Respondent-State.
Mr. N.S. Bhosale, PSI, Solapur-City present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 22nd FEBRUARY, 2016.

P. C. :

These are the applications for anticipatory bail filed by the aforesaid Applicants in apprehension of their arrest in Crime No.3170 of 2015 registered at Sadar Bazar Police Station, District-Solapur, for offences punishable under section 83 of the Registration Act, 1908.

2. Pursuant to the complaint made by one Hanumant Pawar, FIR was lodged by Pandurang Anant Kulkarni, Sub-Registrar at Solapur, against the present Applicants. It is alleged that the Applicant Nos.1 and 2 in ABA No.1706 of 2015 had prepared a false power of attorney in the name of Kalyan V. Pawar, who had expired on 17.5.1996 and sold the land to Applicant Nos.5 and 6 in ABA No.1705 of 2015 by executing registered sale deed executed on 30.1.2006 and 1.6.2006.

3. The learned APP submits that the presence of the Applicants is required for the purpose of recovering the sale deeds which have been executed on the basis of false power of attorney.

4. The learned counsel for the Applicants has submitted that the said sale deeds are in the custody of Bank of India, Main Branch, Balives, Solapur.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicants and the learned APP for the Respondent -State. In view of the statement made by the learned counsel for the Applicants, the investigating agency can call for the said documents from the said Bank and the presence of the

Applicants is not required in custody for the purpose of recovery of said sale deeds. It is also to be noted that the alleged offence is punishable for maximum punishment of seven years. Considering this fact and also considering the nature of the allegations, in my considered view this is a fit case which would not justify custodial interrogation. The Applicants are permanent resident of District-Solapur and there are no criminal antecedents against the Applicants. Hence, there is no possibility of the Applicants absconding and thwarting the course of justice.

6. Under the circumstances, the applications are allowed on the following terms and conditions:

(i) In the event of arrest of the Applicants in C.R. No.3170 of 2015 registered at Sadar Bazar Police Station, District-Solapur, the Applicants are ordered to be released on bail on furnishing bail bond of Rs.20,000/- with one surety to the like amount.

(ii) The Applicants shall report to the Investigating Officer for four days from 10.00 a.m. to 2.00 p.m. from the date of receipt of this order.

(ANUJA PRABHUDESSAI, J.)