

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1738 OF 2015

Raman Kedu Gaikwad ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Vikas Shivarkar for the Applicant
Mrs. G.P.Mulekar, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : JANUARY 14, 2016.**

P.C.

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.1-158 of 2015 registered with Chandwad Police Station, Nashik for offences punishable under Section 420, 465, 468, 471 r/w. 34 of the Indian Penal Code.

2. The case of the prosecution in brief is that the applicant had executed sale deed dated 6.5.2015 by impersonating one

Sugandhabai Rajaram Kharole and further prepared forged documents and fabricated I.D.Card, election card, and other documents and had entered into sale deed dated 6.5.2015 by impersonating one Sugandhabai, who is already a deceased. It is alleged that the applicant had advised said Chababai to sign the said sale deed in the name of Sugandhabai.

3. The learned counsel for the applicant had submitted that the original owners were related to Sugandha and were well aware that she had expired in the year 2003. The learned Counsel for the applicant has submitted that the applicant was a bonafide purchaser and that he had learnt about the death of Sugandhabai only on the date of receipt of the notice from one Bapu Jadhav @ Gangadhar Mundavare, the adjacent land owner. He has stated that the applicant had already sent a notice to the original owner to return the sell amount and to execute a proper deed or to rectify the said deed.

4. The learned APP has submitted that from the statement of

Chababai, the applicant was well aware that Sugandha had expired and that he was involved in forging and fabricating the document and deceiving Chababai to sign the sale deed in the name of Sugandhabai.

5. I have perused the records and considered the statement advanced by the learned Counsel for the applicant and the learned APP for the State. The records prima facie reveal that the applicant herein had purchased the property under Gut No. 334 and 335 from Gangadhar Mundavare and five others. The sale deed was allegedly signed by Sugandhabai who is one of the sellers. It is not in dispute that said Sugandhabai had expired on 15.8.2003. The investigation prima facie reveals that false election card was prepared and that one Chababai had impersonated Sugandhabai.

6. The records prima facie reveal that by notice dated 16.6.2015 Vithoba Jadhav, the adjacent land owner had sent a notice to the applicant alleging that said Sugandhabai had already expired in the year 2003 and that the sale deed dated 6.5.2015 was executed by

impersonation and that the sale deed was executed on the basis of false and fabricated documents. The records further reveal that the applicant had replied to the notice vide reply dated 4.7.2015 wherein he had stated that he had learnt about the death of Sugandhabai for the first time on the receipt of said notice. He had called upon the other sellers either to rectify the said sale deed and/or cancel the deed and return his money. The said reply was sent prior to the filing of the FIR. The said notice therefore prima facie indicates that the applicant was a bonafide purchaser. Considering the above facts, in my considered view, the applicant is entitled for anticipatory bail.

7. Under the circumstances, and in view of the discussion supra, the application is allowed on the following terms and conditions:

- i) In the event of arrest of the applicant in Crime No.1-158 of 2015 registered with Chandwad Police Station, Nashik, the applicant be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned JMFC, Chandwad.
- ii) The applicant shall report to the Investigating Officer for seven

days etween 10 a.m. to 2.pm. and further as when required by the Investigating Officer for the purpose of investigation and interrogation.

iii) The applicant shall not leave the jurisdiction of Nashik district till the filing of the chargesheet without prior permission of the JMFC, Chandwad.

(ANUJA PRABHUDESSAI, J.)