

Anand

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

BAIL APPLICATION NO.149 OF 2017

1. Mohsin Iqbal Mujawar .Applicants
2. Avinash Jagannath Kamble

Vs.

The State of Maharashtra .Respondent

**WITH
CRIMINAL APPLICATION NO.177 OF 2017
(For Intervention)
IN
BAIL APPLICATION NO.149 OF 2017**

Surajkhan Babasaheb Rohile .Intervenor

IN THE MATTER OF

1. Mohsin Iqbal Mujawar .Applicants
2. Avinash Jagannath Kamble

Vs.

The State of Maharashtra .Respondent

Mr.Tejas Hilage, Advocate, for the Applicants
Mr.S.S.Hulke, APP, for the Respondent – State
Mr.Kedar J. Patil, Advocate, for the Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 19.06.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek their

enlargement on bail in connection with C.R.No.135 of 2016 registered with the Shahapur Police Station, District – Kolhapur, for the alleged offences punishable under Sections 255, 268, 262, 420, 463, 464, 465, 466, 468, 471, 472, 474, 484, 485, 506 r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicants submits that the Applicant No.1 is the owner of a Xerox Centre, by the name, 'Nobel Xerox Centre', which is situated in the front of Tahsil Office, at Hatkanangale, Kolhapur and the Applicant No.2 is the Computer Operator at the said Centre. He submits that it is the prosecution case, that the forged document was created at the said Xerox Centre, by scanning the original document and by creating a forged and fabricated document. He submitted that except the statement of the co-accused, there is nothing to show that the Applicants are in anyway concerned with the alleged offences. He submits that investigation is complete and charge-sheet is filed and that the Computer, Scanner and Printer have been seized.

4. Learned APP opposes the Application. He submits that the it is at the Applicants' Centre, that the forged documents

were created by the other co-accused. Learned APP is unable to show that the Applicants have derived any monetary benefit from the said transaction. Learned counsel for the Intervenor also opposes the Application.

5. Perused the papers. According to the Complainant, the accused had created forged documents and had transferred the Complainant's property in the name of Gaus Jamadar and thereafter, Gaus Jamadar had created third party rights in the name of some other person. The Applicant No.1 is the owner of the Nobel Xerox Centre and the Applicant No.2 is the Computer Operator, working in the said Centre. Be that as it may, it is not in dispute, that the said Computer, Scanner and Printer have been seized. There is nothing on record to show that the Applicants have derived any monetary benefit from the said transaction. It also appears that investigation is complete and charge-sheet is filed. The Applicants have no antecedents.

6. Considering the aforesaid, the Application is allowed and the Applicants are enlarged on bail on the following terms & conditions:-

O R D E R

- (i) The Applicants be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/- each** with one or two sureties in the like amount;
- (ii) The Applicants shall report to the investigating officer of the concerned Police Station on the **first Monday of every month** between **10:00 a.m. to 11:00 a.m.** till the conclusion of the trial;
- (iii) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The Applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The Applicants to cooperate with the conduct of the trial;
- (vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicants' bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. In view of disposal of the B.A.No.149 of 2017, the Cri. Appln. No.177 of 2017 does not survive and the same stands disposed of accordingly.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)