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

ANTICIPATORY BAIL APPLICATION NO.183 OF 2017

Milind Ramanlal Parakh	...Applicant
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr.Kamlesh Ghumre i/b Ms.Sonali S. Jadhav, for the Applicant

Mr.S. H. Yadav, A.P.P for the Respondent-State

PSI – H.R.Ghuge, Ambad Police Station, Nashik City.

Complainant – Mr.S.M.Mutha, is present.

***CORAM : REVATI MOHITE DERE, J.
DATE : 20th JUNE, 2017***

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.I-356 of 2016 registered with the Indira Nagar Police Station, Nashik, for the alleged offences punishable under Sections 420, 465, 467 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the dispute between the applicant and the complainant has been amicably resolved. He submitted that even otherwise the custody of the applicant is not required, inasmuch as, all the documents have been seized and are in the custody of the police. He submitted that there are no allegations as against the applicant that he has forged the power of attorney. He submitted that the applicant is only alleged to be a beneficiary and the allegations are as against the applicant's father – Ramanlal, who is alleged to have forged the complainant's signature on the power of attorney, which was duly notarised before the notary. The complainant is present in the Court.

4. Learned APP on instructions of the complainant does not dispute the fact, that the matter has been amicably resolved between the complainant and the accused. Learned APP also does not dispute the fact, that the documents have been seized and that the same are in the custody of the police.

5. Perused the papers. It appears that the applicant is the beneficiary and that the power of attorney is alleged to have been forged by

the applicant's father. *Prima facie*, there is nothing to show that the applicant has forged the power of attorney. All the documents are in the custody of the police and hence the custody of the applicant is not necessary. It also appears that the complainant and the accused have amicably resolved their dispute.

6. Considering the aforesaid, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.
8. It is made clear that the observations made herein are *prima facie* and are confined to this application.
9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)