

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 313 OF 2017**

Balu Maruti Pawar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Vivek V. Salunkhe for the Applicant

Mr. Rajan Salvi, A.P.P for the Respondent-State

API Mr. D. P. Suryawanshi from Pimpri Police Station, Pune City, is present.

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 7th APRIL, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the Respondent-State.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 8 of 2017 registered with the Pimpri Police Station, Pune, for the alleged offences punishable under Sections 420, 465, 466, 468, 471 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submitted that the applicant has not committed any offence, much less, the offence of forgery. He submits that although the applicant along with co-accused Balasaheb Salve were the joint owners of the land, it is Balasaheb Salve who had applied for the map. He relied on page 65 of the application in support of his submission. He submitted that there is no dispute as far as the recitals in the Sale Deed are concerned, which were executed between the applicant and the co-accused Balasaheb Salve on the one hand and the complainant on the other. He submitted that the allegations pertain only to the forged map, which was annexed to the Sale Deed.

4. Learned A.P.P states that although co-accused Balasaheb Salve and one Shinde are absconding, it appears that the said co-accused Balasaheb Salve and Shinde have entered into a Memorandum of Understanding with the complainant and have handed over three post-dated cheques to the complainant. He does not dispute the fact, that the applicant is not a party to the said Memorandum of Understanding.

5. Perused the papers. *Prima facie*, it appears that the applicant was not present at the time when the map was prepared and that it was co-accused Balasaheb Salve, who was present when the map was prepared, which is alleged to be forged. As far as recitals of the Sale Deed are concerned, there is no dispute regarding the same. The Memorandum of Understanding also has been entered into by the absconding accused with the complainant and that the applicant is not a party to the said transaction.

6. Considering the facts and the role of the applicant, the applicant's custody is not required. Accordingly, 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 furnishing P.R. Bond in the sum of Rs.20,000/- 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 for;

(iii) The applicant shall not tamper with the evidence, attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(iv) The applicant shall co-operate with the investigating agency.

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*, for the purpose of deciding this application.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.