

Anand

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

BAIL APPLICATION No.574 OF 2017

Imtiyaj Babasaheb Shaikh .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.G.K.Gole i/b.Mr.Ateet Shirodkar, Advocate, for the Applicant
Mrs.Rutuja Ambekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 11.04.2017

P.C.

. Heard learned counsel for the Applicant and the
learned APP for the Respondent – State.

2. By this Application, the Applicant seeks his
enlargement on bail in connection with C.R.No.89 of 2016
registered with the Hatkanangle Police Station, District –
Kolhapur, for the alleged offences punishable under Sections
467, 468, 417, 420 r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicant states that
similarly placed co-accused Gurunath Anant Mestri has been
enlarged on bail by this Court vide Order dated 03.04.2017. He

further submits that the Applicant is also a signatory and witness to the Mortgage Deed which was executed between Salim Baban Sanadi and Baban Yashawant Kesarkar on the one hand and Vardhaman Nagari Sahakari Patsanstha Maryadit, Ichalkaranji on the other.

4. Learned APP does not dispute the said fact. She submits that like co-accused - Gurunath Mestri, the Applicant has also received some amount in his bank account.

5. Perused the papers. It appears from the complaint lodged by Yashwant Pol, a retired Government Servant that the accused no.1 - Shashikant Kamble had impersonated him and sold his land to Mr.Salim Baban Sanadi and Baban Yashawant Kesarkar. According to the complainant, when he obtained the 7/12 extract, on-line he found that half his share i.e. 1 H 17 R showed the name of Mr.Salim Baban Sanadi and Baban Yashawant Kesarkar as owners. Pursuant thereto, the complainant obtained a copy of the sale deed executed between the accused no.1 - Shashikant Kamble on one hand and Salim and Baban Kesarkar on the other and found that on the basis of a forged and fabricated voter - ID of the complainant and by

producing a bogus person in complainant's place, Accused No.1 – Shashikant had got the said document executed. The person i.e. Accused No.1 who impersonated the complainant and was identified by 2 witnesses before the Tahsildar. The Applicant is a witness to the Mortgage Deed entered into between Salim Baban Sanadi and Baban Yashawant Kesarkar and Vardhaman Nagari Sahakari Patsanstha Maryadit, Ichalkaranji. The role of the Applicant is similar to that of co-accused Gurunath Anant Mestri, who has been enlarged on bail by this Court vide Order dated 03.04.2017 passed in B.A.No.2641 of 2016. Investigation is complete and charge-sheet is filed. There are no antecedents against the Applicant.

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

O R D E R

- (i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount;
- (ii) The Applicant shall attend the concerned Police Station on the **first Monday of every month** between

10.00 a.m. to 12.00 noon, for a period of six months and thereafter on the dates given by the trial Court;

(iii) The Applicant shall inform his 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;

(iv) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The Applicant shall cooperate with the conduct of the trial;

(vi) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

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 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.)