

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

ANTICIPATORY BAIL APPLICATION NO.409 OF 2017

Keru Namdeo Dhatrak & Ors. ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.M.K. Kocharekar i/b P.U. Badadare for the Applicants
Mr.Deepak Thakre, APP, for Respondent – State

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: MARCH 17, 2017**

P.C. :

1. This application is filed by the applicants/accused for pre-arrest bail as the applicants/accused apprehend arrest in C.R. No.I-263 of 2016 registered with Dindori Police Station, District Nasik, for the offences punishable under sections 420, 467, 468, 471 r/w section 34 of the Indian Penal Code. The complaint was filed by one Ramdas Santu Bunge on 7.11.2016.

2. It is the case of the complainant that when his cousin took out 7/12 extract of the ancestral agricultural land of his family, they found that the name of his paternal grandfather was deleted and the name of one Ganesh Arjun Ghuge, the co-accused, was

entered. After enquiry, they found that it was a fraudulent entry made at serial No.2144 of 2016. *Inter alia*, a sale deed dated 11.7.2016 which took place between Ganpat Sitaram Bunge and the co-accused Ganesh Arjun Ghuge. As per the case of the prosecution, though the complainant expired in 1981, co-accused Arjun Ghuge has prepared forged power of attorney on 7.7.2016 and thereafter, he sold the said agricultural land in capacity of power of attorney of Ganpat Bunge to himself on 11.7.2016. Therefore, the complainant approached the police and criminal case was registered against Ganesh Ghuge and also against the the applicants/accused Ratan Bodake and Bhimrao Ghuge, who have signed as witnesses and identified Ganpat Bunge.

3. The learned Counsel for the applicants/accused has submitted that the applicant/accused No.1 Keru Dhatrak and applicant/accused No.4 Khanderao Bunge are above 80 years of age. He further submitted that applicants/accused Nos.2 and 3, namely, Ratan Bodake and Bhimrao Ghuge are innocent. They have only identified Ganpat Sitaram Bunge and have signed the power of attorney and the registered sale deed. The applicant/accused Ratan Bodake signed as a witness on the

forged power of attorney dated 7.7.2016 and Bhimrao Ghuge signed on the sale deed dated 11.7.2016. He submitted that the applicants/accused have signed these two documents and identified the vendor Ganpat Bunge. He submitted that the complainant has made a false complaint that Ganpat Bunge expired on 12.12.1981. The Circle Officer of the village has recorded statement of Ganpat Bunge after the execution of the sale deed. The learned Counsel further submitted that Ganpat Bunge is an unmarried person and, therefore, his relatives wanted to grab the property and, therefore, his statement was recorded by Circle officer after execution of the sale deed. He further submitted that there are some alterations in the register of death certificate produced before the Court and, therefore, under such circumstances, the applicants/accused are to be granted pre-arrest bail.

4. Learned Prosecutors have opposed the application and submitted that the Investigating Officer has issued a notice to the Circle Officer.

5. After going through the complaint, *prima facie*, it appears that the signatures on the power of attorney and sale deed are not

denied by the applicants/accused. In the death certificate register, there are some alterations which are seen. However, after going through the complaint and the documents produced herewith, it *prima facie* appears that Ganpat Bunge was not present when these two documents were executed. Both the applicants/accused have made a false statement before the Circle Officer at the time of registration of these two documents. Production and identification of Ganpat Bunge and the details about it is necessary. Hence, custodial interrogation of the applicants/accused is required. However, as applicant/accused No.1 Keru Namdeo Dhatrak and applicant/accused No.4 Khanderao Murlidhar Bunge are above 80 years of age, I grant them pre-arrest bail. However, pre-arrest bail cannot be granted to the applicant/accused Nos.3 and 4, namely, Ratan Shivaji Bodake and Bhimrao Ramji Ghuge and accordingly, the Anticipatory Bail Application qua the applicant/accused Nos.3 and 4, namely, Ratan Shivaji Bodake and Bhimrao Ramji Ghuge is rejected.

6. The Anticipatory Bail Application *qua* the applicant/accused No.1 Keru Namdeo Dhatrak and applicant/accused No.4

Khanderao Murlidhar Bunge is allowed on the following terms:

- a) In the event of arrest, the applicants-accused Keru Namdeo Dhatrak and Khanderao Murlidhar Bunge shall be released on bail upon furnishing P.R. Bond in the sum of Rs.10,000/- each, with one or two solvent sureties in the like amount;
- b) The applicants-accused Keru Namdeo Dhatrak and Khanderao Murlidhar Bunge shall cooperate with the Investigating Officer and attend the concerned police station as and when called.
- c) The said applicants/accused shall not harass or pressurise the complainant;
- d) The said applicant-accused shall not tamper with the evidence and shall not indulge into any criminal activity;
- e) The said applicant-accused shall not abscond or leave India without prior permission of the Court and furnish their permanent address to the Investigating Officer alongwith documentary proof of his address.

f) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

7. Anticipatory Bail Application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)