

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.864 OF 2017

Musa @ Gundyia Abdul Razak Jamadar Applicant
vs
State of Maharashtra ... Respondent

with CRIMINAL APPLICATION NO.381 OF 2017
in
CRIMINAL APPLICATION NO.864 OF 2017

Babasaheb Hanif Rohile .. Intervener/Applicant

Mr.Amin Solkar for Applicant
Mr.S.R.Agarkar Additional Public Prosecutor
for State-Respondent

CORAM : T.V.NALAWADE, J
DATE: 29 AUGUST 2017

P.C.

1. The Application is filed for bail in C.R.No.155 of 2016 registered in Ichalkaranji police station for offences punishable under sections 465, 467,468,471,474,447,504, 506,r/w 34 of IPC.

2. Both sides are heard.

3. The Charge Sheet is filed and submission is made that the Applicant has been behind bars for about one year in the present crime. Statement is made that this is the first Application filed for bail in this Court. The crime is registered on a report given by Babasaheb Hanif Rohile. One immovable property situated at Ichalkaranji on Sangli Road is owned by the family of Babasaheb Rohile and it was standing in the name of his wife Sou.Noorjahan. When some persons were trying to create fencing around the property, the family of the informant realized that there was some mischief. When they collected the record, they noticed that the two documents which were executed by his wife in the past were fabricated by obtaining xerox copies of this document and then third document was created to show that the property is owned by Manoj Dashrath Nikam. Due to these circumstances, the report is given and the crime is registered.

4. The learned APP submitted that one co-accused by name Avinash Teke has taken the name of the present Applicant and on the basis of the said statement, police traced Global

Xerox Centre where false record was created. Submission made show that the owner of the said Centre is also made accused. It can be said that as against the present Applicant, there is allegation that he was helping the main accused Manoj Dashrath Nikam to get possession on the basis of false record. The learned APP further submitted that the Applicant is a History-sheeter. The learned APP has mentioned that crimes are registered against the Applicant in Ichalkaranji Police Station and Hathkanangale Police Station. Out of 7 crimes, 2 crimes are committed for forgery and and they are in respect of present matter and aforesaid Modus-Operandi is used.

5. In view of these circumstances, this Court holds that it is not desirable to keep the Applicant behind bars till the disposal of the case.

6. In the result, Application is allowed.

7. The Applicant is to be released on bail on his furnishing PR Bond in the sum of Rs.50,000/- with one or two

solvent sureties in the like amount. The Applicant shall not tamper with the evidence or attempt to influence or contact the Complainant, Witnesses or any person concerned with the case and not to go to the residential place of the informant or at the disputed property till the disposal of the case.

8. Intervention Application is allowed and is disposed of.

(T.V.NALAWADE, J)