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

ANTICIPATORY BAIL APPLICATION NO.727 OF 2017

Yuvraj Dashrath Nikam	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO.415 OF 2017
IN
ANTICIPATORY BAIL APPLICATION NO.727 OF 2017**

Babasaheb Hanif Rohile	..Intervener/Applicant
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IN THE MATTER BETWEEN

Yuvraj Dashrath Nikam	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.T.P.Hilage, for the Applicant

Ms.Rutuja Ambekar, A.P.P for the Respondent-State

Mr.Kedar J. Patil, for the Intervener in APPP No.415 of 2017.

Police Inspector - M.B.Ranmale, Ichalkaranji Police Station, Kolhapur

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

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 155 of 2016 registered with the Ichalkaranji Police Station, Kolhapur, for the alleged offences punishable under Sections 255, 420, 465, 466, 468, 471, 474, 484, 485, 447, 201, 504, 506 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that admittedly the applicant had signed a sale deed dated 26th June, 2016, entered into between his brother – Manoj Nikam with one Sayyed Gafari, as a consenting party alongwith his father. He submitted that admittedly the said sale deed is not a forged and fabricated document. According to the learned counsel, it is the prosecution case, that the sale deed entered into by his brother - Manoj and the complainant's wife in 2012, is a forged document. He submitted that the applicant is neither a signatory to the said document nor he is involved in the fabrication of the sale deed executed in the year 2012. He submitted that the applicant is implicated in the said case, only by virtue of the fact that the applicant is the brother of the main accused – Manoj Nikam.

4. Learned APP has tendered a report of the Investigating Officer- Police Inspector, M.B.Ranmale. The said report is taken on record. According to the report, the custody of the applicant is not required.

5. Learned Counsel for the Intervener however, opposes the application. He submitted that property worth Rs.2 crores was sold by Manoj Nikam for Rs.18 lakhs and that the applicant had signed the said document as a consenting party.

6. Perused the papers. Admittedly, the sale deed had been entered into between Manoj Nikam and Sayyed Gafari on 26th June, 2016. The applicant and his father have signed the said sale deed as consenting party. It is informed that the applicant's brother – Manoj Nikam is in custody. Admittedly, the complainant's land was transferred in the name of accused – Manoj Nikam, who thereafter sold the same to Sayyed Gafari.

7. Considering the role of the applicant and the report of the Investigating Officer, the custodial interrogation of the applicant is not required. The application is accordingly 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.25,000/- 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;
- (iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case.
- (iv) The Applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the Investigating Officer of the concerned Police Station, in writing.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. In view of the aforesaid, the Intervention Application being Criminal Application No. 415 of 2017 does not survive and the same is also disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this application.

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

(REVATI MOHITE DERE, J.)