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

CRIMINAL BAIL APPLICATION NO.1191 OF 2017

Yogesh Joma Tandel	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.A.P.Mundargi, Senior Counsel a/w Mr.N.S.Mundargi, i/b
Mr.K.D.Ambulkar, for the Applicant.

Ms.Anamika Malhotra, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th JULY, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-08 of 2017 registered with the Uran Police Station, for the alleged offences punishable under Sections 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.

3. Learned Senior Counsel for the applicant submitted that the applicant as a broker only facilitated the sale of two plots. He submitted that admittedly the applicant does not belong to the family of Mandibai Budhaji Patil, nor he is alleged to have fabricated or forged the heirship certificate. He submitted that the only allegation, qua the applicant is that he was involved in the sale of plots. He submitted that investigation is complete and charge-sheet is filed. He further submits that the applicant has been in custody, since 17th January, 2017.

4. Learned APP opposed the applicant. Learned APP has relied on the statement of one Satyajeet Waman Bhagat, a partner of the applicant.

5. Perused the papers. It appears that several agricultural lands were recorded in the name of Budhaji Patil. As the land was acquired, CIDCO allotted 3 plots to the family of the deceased, under the 12.5% scheme. In 2008, plots were sold. It appears that the heirship certificate was purportedly prepared from the Uran Court. According to the prosecution, the said document is a fake and bogus document. According to the prosecution, the said heirship certificate was prepared by Suryakant Mhatre

with the help and assistance of Yogesh Tandel i.e. the present applicant. A perusal of the statement of Satyajeeet Bhagat, a partner of the applicant shows that, all the documentation with respect to the property/plots, was being done by Yogesh Tandel i.e. present applicant. It is not specifically mentioned in the said statement that the heirship certificate was prepared by the applicant. Be that as it may, the same will be decided by the trial Court. The applicant has been in custody since 17th January, 2017. Investigation is complete and charge- sheet is filed.

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

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two local solvent 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 11:00 a.m., till the conclusion of the trial;

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 trial Court as well as to the concerned Police Station, in writing;

iv) The Applicant shall not contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial;

7. The Application is allowed and disposed of in above terms.

8. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

(REVATI MOHITE DERE, J.)