

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

ANTICIPATORY BAIL APPLICATION NO.1177 OF 2017

1. Bapu Balbhim Nimbhore	
2. Dattatraya Haribhau Ohol...	.. Applicants
VS	
State of Maharashtra	.. Respondents

Mr.Rahul Kate for Applicant
Mr.S.H.Yadav Additional Public Prosecutor
for State-Respondent

CORAM : T.V.NALAWADE, J
DATE: 24 AUGUST 2017,

P.C.

1. The application is filed for anticipatory bail in C.R.No.73 of 2017 registered in Bund Garden Police Station for offences punishable under section 420, 467,468, 34 etc of the IPC. Papers of investigation are made available for the perusal of this Court.

2. Crime is registered on the basis of a report of Razia Shaikh. She is the owner of property bearing Plot No.257 from Final Plot 111 of CTS no.9/1. The area of this property is 43 gunthas. The owner was not visiting the property frequently.

One Akbar Shaikh who is working as Estate Agent questioned the son of the first Informant as to whether any transaction was made in respect of the property. As that enquiry created doubt in respect of this property they searched record and realized that somebody had done mischief. A copy of the said document like Agreement dated 13.1.2017 was available with Akbar Shaikh but, they could not get it They realized that the transaction was made in respect of the aforesaid prperty by some persons by presenting other persons as the real owner. Consideration was also shown to be given. On that document, the present applicant has signed as witness. Thus, a false document is created in respect of the property of the first Informant and the present applicant acted as a witness. Copy of that document is produced on record. Such instances are increasing day by day. At least at this stage, it is not open to the present Applicant to say that he did not know the party who was executing the disputed document when admittedly the executant of the document was not the real owner. This Court holds that custodial interrogation in this case is a must. Only after custodial interrogation of the applicant, more information can

be collected.

3. In the result, Application stands rejected.

(T.V.NALAWADE, J)