

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1461 OF 2017

Santosh B. Patil	...Applicant
V/s.	
The State of Maharashtra	...Respondent

Mr.Tejas Dande with Mr.Bharat Gadhvi i/b Tejesh Dande & Associates for the Applicant.

Mr.S.V. Gavand, APP for the Respondent.

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

P.C. :-

1. The application is filed for anticipatory bail in C.R. No.405 of 2017 registered with Wakad Police Station, Pune for the offences punishable under sections 420, 467, 468, 471 read with 34 of IPC. Both sides are heard. The papers of investigation are made available for perusal of this Court.

2. The crime is registered on the basis of the report of Ashokkumar Badkul. He is the owner of the property and he wanted to sell the property. There was power of attorney in his favour executed by his son and on that basis he wanted to sell the property. The accused Mahesh Ghate had contacted him and asked for

papers. He made the xerox copies of the documents and handed over to Mahesh. Mahesh misused those xerox copies and by joining hands with Tanaji Chandane, he created false record of sale of the property in favour of Tanaji. That mischief revealed when one party approached the complainant for purchase of the property and some enquiry was made about the record of the property.

3. The record of investigation shows that during interrogation, Mahesh disclosed that he had taken the help of the present applicant, who is expert in creation of false record and the present applicant created false record of possession receipt, pan card, aadhar card, power of attorney etc. On the basis of this false record, the false sale deed was executed and registered. The said Tanaji Chandane could mortgage the property with the bank and he could take the loan amount of more than Rs.1.50 crores on the basis of the false sale deed.

4. Learned counsel for the applicant submitted that the applicant is ready to co-operate with the police during investigation and there is no need of giving police custody. Learned counsel for the applicant submitted that there is no material against the applicant on the basis of which he can be arrested. These submissions are not at all acceptable. This Court is considering the application filed for grant of anticipatory bail and the Court is required to consider all material

including disclosure made by the accused during interrogation showing the part played by the associates in the crime. When there is such material, custodial interrogation is a must. Now there are experts like the person in the society who are creating false record and even the false passport. In such cases, custodial interrogation of such persons is a must and more offences can be traced only after custodial interrogation of the present applicant. It is not the fit case to grant relief in favour of the applicant. In the result, the anticipatory bail application stands rejected.

(T.V. NALAWADE, J.)