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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2010 OF 2017

Maresh Kisan Kharade

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Pradeep M. Patil with Sachin D. Bagal for Applicant.
Mr. A.A. Palkar, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 22nd September 2017.

P.C.

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 101 of 2017 dated 22.7.2017 registered with Mangaon Police Station, District- Raigad under Section 196, 197, 198, 199, 200, 420, 463, 464, 467, 468, 470, 471 and 193 r/w 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record.

3] It is the prosecution case that, the accused No.6- Amit A.

Sancheti executed sale deed dated 19.10.2016 with Shankar Dagadu Telange alias Shankar Avinash Telange (accused No.1). That Shankar Dagadu Telange on the date of execution of the said agreement was reported to be dead and accused No.1 Shankar Avinash Telange impersonated himself to be Shankar Dagadu Tellange. It is the further prosecution case that, the co-accused Subhash S. Baraskar with other other co-accused persons, helped Shankar Avinash Telange in impersonating and executing sale deed. In short accused-Shankar Avinash Telange by impersonating himself as Shankar Dagadu Telange falsely and illegally executed sale deed in favour of accused No.6-Amit Sancheti.

The learned Counsel for the applicant submitted that the role attributed to the applicant is that he is witness to the signature of accused No.1 Shankar Telange to the form No.61 which is at page No.41 of the present application. He further submitted that application for bail of the applicant has been rejected by the Additional Sessions Judge, Mangaon, District-Raigad by its Order dated 18.8.2017 on the ground that the investigation of the said crime was in progress and there was likelihood of tampering with prosecution witnesses. He further on instructions submitted that, as a matter of fact, by an Order dated 7th September 2017, the Trial Court has released accused No.1-Shankar Avinash Telange on bail

and the other three accused persons namely Subhash S, Baraskar, Chandrakant B. Satam and Pandurang C. Walgude also released on bail by Order dated 20.9.2017. He has produced a certified copies of the said Orders on record.

4] From the record produced before me, prima facie it appears that the role played by the present applicant is lesser than the role played by Accused No.1 Shankat Avinash Telange, Subhash S, Baraskar, Chandrakant B. Satam and Pandurang C. Walgude. In view thereof, according to me, the applicant is entitled to be released on bail on the ground of parity..

Hence the following Order:

- (i) The applicant be released on bail in CR No. 101 of 2017 registered with Mangaon Police Station, District-Raigad on on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (ii) After his release from the jail, the applicant shall attend the Mangaon Police Station once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 2.00 p.m. Till submission of chargesheet.
- (iii) The applicant shall attend all dates before the

Trial Court.

- (iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (v) Criminal Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)