

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

CRIMINAL APPLICATION NO.721 OF 2015

The State of Maharashtra Applicant

versus

Smt. Pushpa Popatrao Nawale & Anr. ... Respondents

Mr.S.S. Pednekar, APP for the State/Applicant.

Mr.Satyajeet P. Dighe, Advocate for Respondent Nos.1 and 2.

CORAM : MRS. MRIDULA R. BHATKAR, J.
DATE : 20th JANUARY, 2017.

P.C. :

1. This application is moved by State for cancellation of order passed by this Court dated 12/08/2015 in ABA No.1078/15, in C.R.No.43/15, registered with Deolali Camp Police Station, wherein the respondent Nos.1 and 2 are facing charges punishable u/s 143, 147, 148, 149, 323, 324, 427, 452, 465, 468, 471, 504, 506 r/w 34 of the Indian Penal Code and u/s 135 of Bombay Police Act.

2. The learned prosecutor has submitted that this Court has directed respondent Nos.1 and 2 to execute PR bond in the

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sum of Rs.20,000/- with one or two solvent sureties in the like amount and they shall cooperate with the Investigating Officer and shall attend the concerned police station of every Friday between 10 a.m. to 12 noon, until further orders.

3. As per the case of prosecution none of the conditions were complied with and so custody was required as during the pendency of this case respondent No.1 Pushpa Nawale made fake power of attorney before Advocate Ramesh R. Khatod and tried to sell the property, which is the subject matter of this criminal case.

4. It is further pointed out by the learned prosecutor that addresses given by the respondent Nos.1 and 2 are also found fake, when police visited those addresses as respondent Nos.1 and 2 did not attend the police station and did not cooperate.

5. The learned counsel Mr.Dighe while opposing the application has relied on affidavit in reply filed by respondent No.2 Aditya Mane, wherein he has stated that Aditya Mane had attended the police station on 07/08/2015. The learned counsel

further submitted that respondent No.1 is an old lady, suffering from several health problems and respondent Nos.1 and 2 have no intention to breach the order and therefore the order of anticipatory bail not to be cancelled.

6. Heard submissions. Perused affidavit of Dadasaheb Pandurang Patil dated 13/12/2016 filed in support of the application. It appears that both the respondent Nos.1 and 2 did not furnish bond of Rs.20,000/- each. Thereafter respondent No.1 never attended the police station as per the directions and respondent No.2 Aditya Mane attended the police station on only one day. In the affidavit it is mentioned that the respondent No.1 has given the bogus address i.e. near Hanuman Mandir, Anandwali Tal. District Nashik and respondent No.2 Aditya Mane gave fake address as Flat No.BX-6, Samrat Heights Bldg., near Ambamata Mandir, Sukhsagar Nagar, Katraj, Pune-46, in the title of the application for anticipatory bail. In the affidavit the Investigating Officer has specifically mentioned that police have recorded statement of the postman and the neighbours residing in that area

and it was revealed that respondent Nos.1 and 2 are not residing in that area.

7. I am of the view that there is sufficient ground to cancel the order dated 12/08/2015 granting anticipatory bail to the respondent Nos.1 and 2.

8. It is further submitted by the learned prosecutor that after getting pre-arrest bail, the respondent No.1 Pushpa Nawale has executed fake power of attorney, notarized it before advocate Mr.Ramesh R. Khatod and also tried to sell the disputed property, which is subject matter in this criminal case. Hence following order:

ORDER

- (a) The application filed by the State to cancel the order dated 12/08/2015, is allowed.
- (b) The order dated 12/08/2015 is hereby set aside and the pre-arrest bail granted to accused/ respondent Nos.1 and 2 is hereby cancelled.
- (c) Police to take necessary steps.

(MRIDULA R. BHATKAR, J.)