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

CRIMINAL BAIL APPLICATION NO.2641 OF 2016

Gurunath Anant Mestri @Babu Digarage	...Applicant
Versus	
The State of Maharashtra	...Respondent

***WITH
CRIMINAL BAIL APPLICATION NO.163 OF 2017***

Salim Baban Sanadi	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.K.J.Patil, for the Applicant in BA No.2641 of 2016.

Mr.Mohd. Amin H. Solkar, for the Applicant in BA No.163 of 2017.

Mr.S.S.Hulke, A.P.P. for the Respondent-State in BA No.2641 of 2016.

Mr.S.H.Yadav, A.P.P. for the Respondent-State in BA No.163 of 2017.

P.S.I – K.M.Kamble, Hatkanagale Police Station, Kolhapur.

CORAM : REVATI MOHITE DERE, J.

DATE : 3rd APRIL, 2017

P.C. :

1. Heard learned counsel for the Applicants in both the applications and the learned APP for the Respondent - State.

2. By these applications, the Applicants seek their enlargement on bail in connection with C.R.No.88 of 2016 registered with the Hatkanangale Police Station, Kolhapur for the alleged offences punishable under Sections 467, 468, 471, 420 r/w 34 of the Indian Penal Code.

3. Perused the papers. It appears from the complaint lodged by Yashwant Pol, a retired Government Servant that the accused no.1 – Shashikant Kamble had impersonated him and sold his land to Mr.Salim Baban Sanadi and Baban Yashawant Kesarkar. According to the complainant, when he obtained the 7/12 extract, on-line he found that half his share i.e. 1 H 17 R showed the name of Mr.Salim Baban Sanadi and Baban Yashawant Kesarkar as owners. Pursuant thereto, the complainant obtained a copy of the sale deed executed between the accused no.1 – Shashikant Kamble on one hand and Salim and Baban Kesarkar on the other and found that on the basis of a forged and fabricated voter – ID of the complainant and by producing a bogus person in complainant's place, Accused No.1 – Shashikant had got the said document executed. The person i.e. Accused No.1 who impersonated the complainant and was identified by 2 witnesses before the Tahsildar. The applicant – Salim

Sanadi, in Criminal Bail Application No.163 of 2017 is one of the purchasers of the said land, whereas the applicant in Criminal Bail Application No.2641 of 2016 is the person who stood as a witness to the mortgage deed. It also appears that some monies were transferred by the purchasers to the accounts of the witness accused No.10 - Gurunath Mestri @Babu Digarage (applicant) and accused No.8, probably for acting as a witness. No doubt, there is some prima-facie material against the applicants, however, investigation in the said case is complete and charge-sheet is filed. The applicants have been in custody since September, 2016. There are no antecedents, qua the applicants.

4. Considering the aforesaid, the applications are allowed and the applicants are enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- each with one or two sureties in the like amount;
- ii) The Applicants shall attend the concerned Police Station on the first Monday of every month between 10.00 a.m. to 12.00 noon, for a

period of six months and thereafter on the dates given by the trial Court;

(iii) The Applicants shall inform their 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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The Applicants shall cooperate with the conduct of the trial;

(vi) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicants bail.

5. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

(REVATI MOHITE DERE, J.)