

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

BAIL APPLICATION No. 1408 of 2018.

Digamber Shrirang Shingade	..Applicant.
Vs	
State of Maharashtra	..Respondent.

Mr. Rajaram V. Bansode, for applicant.
Mr. N. B. Patil, APP for the State.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATE : 26TH SEPTEMBER, 2018**

P.C:-

- 1) This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicant who has been arrested in Cr. No. 125 of 2018, registered at Vaduj Police Station, District Satara for offences punishable under Sections 420, 464, 465, 467, 468 and 471 of Indian Penal Code.
- 2) Heard Mr. Bansode, learned counsel for the applicant, and Mr. N.B. Patil, learned APP for the State. Perused the records and considered the submissions advanced by the learned Counsels for the respective parties.
- 3) The case of the prosecution, in brief, is that the Government of Maharashtra had allotted land Gat No. 159, area 2 Hectares to one Housabai Gopal Ghutugade, whose son, a

Military Personnel, was martyred in the line of duty. It is alleged that on 5/3/2017 the applicant gave false information to the Nagar Panchayat office at Vaduj that Housabai is his maternal grand-mother and that she had expired on 15/8/2013. On the basis of the said information, an entry of death of Housabai was made in the birth and death register. The applicant thereafter obtained death certificate extract and altered her surname from “Ghutugade” to “Durgude” and got his name recorded in the record of rights on the basis of the forged death certificate and by falsely alleging that he is the sole legal representative of Housabai Gopal Durgude.

4) The learned counsel for the applicant submits that one Abhay Shinde, the village Talathi of Vaduj Police Station had already lodged a first information report dated 14/2/2018 against the present applicant in respect of the same incident and pursuant to the said first information report, crime No. 77/2018 for offence under section 193(2), 199, 200, 420, 464, 464, 471 of IPC had already been registered against the applicant. The learned counsel for the applicant submits that the applicant has already been released on bail in the previous CR No. 77/2018 by the learned Judicial Magistrate, First Class, Vaduj by order dated

27/4/2018. He has placed on record a copy of the said order. Perusal of the first information report dated 14/2/2018 vis-a-vis first information report dated 23/2/2018 clearly indicate that two separate crimes have been registered in respect of the same incident.

5) In my considered view, prima facie, the maintainability of proceedings arising from the second FIR is itself doubtful. Considering the fact that the applicant has already been released on bail in the FIR No. 77 of 2018 which was lodged first in point of time, the applicant herein is ordered to be released on bail in CR No. 125 of 2018 on the following terms and conditions:

- (i) Application is allowed.
- (ii) The applicant be released on bail in Cr. No. 125 of 2018 registered at Vaduj Police Station, District Satara, on his furnishing bail bonds of Rs. 40, 000/- with one or two solvent sureties in the like amount.
- (iii) The applicant shall attend all the dates before the Trial Court, till conclusion of the trial.
- (iv) The applicant shall furnish his permanent and temporary addresses, if any, and his contact details to the Investigation Officer.

(v) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(vi) The applicant shall not interfere with the complainant/first informant, other witnesses and shall not tamper with the evidence in any manner.

Application is disposed of in the aforesaid terms.

(SMT. ANUJA PRABHUDESSAI, J.)