

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1441 OF 2018
WITH
APPP/1042/2018 IN ABA/1441/2018

Bhimrao A. Akhade

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Sandeep Salunkhe for the Applicant.

Ms. P.N.Dabholkar, APP for the State.

Mr. Rajesh Jadhav for the Intervenor.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 24, 2018.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No. 99 of 2018 registered with Madha Police Station, Solapur for offences under Section 406, 419, 420, 465, 468, 471 r/w. 34 of IPC.

2. Heard Mr. Salunkhe, the learned Counsel for the applicant and Ms. Dabholkar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned

Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by one Maruti Shinde. The first informant has alleged that he is the owner of the property under Gut No. 401, 425, 628 of Village Ghoti. He had alleged that Maruti Rama Shinde, who has the same name as the first informant has entered into a sale deed dated 8th March, 2017 and sold the said property in favour of Bharat Rama Shinde i.e. the brother of the first informant. The first informant has stated that he had not executed the said sale deed dated 8th March, 2018 and that the vendor of the said sale deed had no right to the property. He stated that the said Maruti Rama Shinde, taking advantage of the similarity in the name, sold the property in favour of his brother based on the forged and fabricated document.

4. The applicant is an attesting witness to the sale deed. He had identified the vendor as 'Maruti Shinde.' At this stage it cannot be said that the applicant had wrongly identified the vendor, as undisputedly the name of the alleged impersonator i.e. the applicant

is also 'Maruti Shinde' . Furthermore, the applicant is not a beneficiary to the sale deed. The nature of the allegations in my considered view do not justify custodial interrogation. The applicant is a resident of Solapur and there is no possibility of the applicant absconding or thwarting the course of justice. The applicant has no criminal antecedents.

5. Considering the above facts and circumstances, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the applicant in Crime No.99 of 2018 registered with Madha Police Station, Solapur, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount;

(ii) The applicant shall report to the Investigating Officer for four days from Monday 29th October, 2018, and further as and when required by the Investigating Officer for the purpose of investigation and interrogation;

(iii) The applicant shall provide his permanent as well as temporary

address, if any, and his contact details to the Investigating Officer;

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

(v) The applicant shall not interfere with the complainant or the other witnesses in any manner.

. In view of disposal of the anticipatory bail application, the application for intervention being APPP/1042/2018 does not survive, and the same is also disposed of.

(ANUJA PRABHUDESSAI, J.)