

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1154 OF 2018

Uttam Maruti Khandekar .Applicant

Vs.

The State of Maharashtra .Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 1155 OF 2018

Dr. Avinash Uttam Khandekar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Rajeev Patil, Senior Counsel I/b. Mr. S. S. Chaudhari, for the Applicants **in both matters**

Mr. S. S. Pednekar, APP, for the Respondent – State **in both matters**

Mr. Sarang Aradhye a/w Mr. M. Prabhune, Advocate, for the Intervenor

Mr. R. B. Kandre, P. I. , Sangola Police Station, District - Solapur

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 05.07.2018

P.C.

. After arguing at length, Learned Senior Counsel upon instructions seeks liberty to withdraw the Applications with further liberty to appear before the concerned Magistrate on or before 16.07.2018.

2. In view of this, the Applicants stand protected till 5.00 p. m. of 16.07.2018.

3. In the peculiar facts of this case, this Court is constrained to observe that the said land was owned by three persons i. e. the first informant, her daughter and her son – Udayan Raje Bhosale, Member of Parliament (hereinafter referred to as 'MP'). That there is no reference to the son in the FIR and what is stated is that the mother and daughter had not executed any Power of Attorney in favour of Uttam Khandekar. However, on the basis of a Power of Attorney wherein Column IV was inserted at page No. 4 of the Power of Attorney which was registered on 20.09.2006, Uttam Khandekar has sold the land in favour of his son – Avinash. It is pertinent to note that in the said additional Power of Attorney, insertion of Column No. IV is countersigned by the son of the first informant. In these circumstances, it was imperative on the part of the investigating agency to record the statement of the son of the first informant i. e. MP.

4. On 21.06.2018, this Court had directed the investigating officer to record the statement of Udayan Raje Bhosale, MP. Pursuant to

the said direction, the investigating officer vide letter dated 26.06.2018 requested the MP to give his statement. He was not summoned to the police station but request was made that he should give date and time on which his statement could be recorded. The said letter was sent by registered post A. D. to the son of the first informant. There is an endorsement on the said letter that it is received. Learned APP upon instructions submits that prior to 26.06.2018, the investigating machinery had made two attempts to record his statement. However, he was not available. This Court is of the impression that for the reasons best known to the investigating agency, it is not possible for them to record the statement of the MP. This Court cannot be oblivious of the fact that the alleged, forged Power of Attorney document is countersigned by him and in the circumstances, it would be necessary not only to record his statement but also to obtain his specimen signature, as the issue of forgery and fabrication is to be decided. This Court is further constrained to observe and direct the investigating agency to record the statement of Udayan Raje Bhosale, MP on or before 12.07.2018. This Court is aware that the offence is registered at Sangola, District – Solapur. However, without co-operation of the Superintendent of Police, Satara, it may not be possible to record the statement and therefore, the directions have been given to the

Superintendent of Police, Satara as well besides the police from Sangola.

4. With these observations and directions, both the Applications stand disposed of.

5. The Superintendent of Police, Satara to take a note of this order and abide by the said order on or before 12.07.2018. Office to communicate this Order to the Superintendent of Police, Satara.

(SMT. SADHANA S. JADHAV, J.)