

45- ABA 1269 of 2018

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

ANTICIPATORY BAIL APPLICATION No. 1269 OF 2018

Mr. Raghunath S//o. Baburao Kharade

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Vaibhav V. Ugle for Applicant

Mr. S.R. Agarkar-APP

Mr. A.O. Gardi, Havaladar, Phaltan City Police Station, Satara

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JULY 4, 2018

P.C.

1. Heard. This is an application filed under Section 438 of the Criminal Procedure Code.
2. The Applicant herein is apprehending his arrest in Crime No. 312 of 2017 registered at Phaltan Urban Police Station for the offences punishable under section 420 and 468 of the Indian Penal Code.
3. It is the case of the complainant that the Applicant, happens to be an estate agent. Whereas the first informant was working in Raigad District. That he had been in the office of the Registrar to verify the revenue record and he

noticed that his father had sold 0.3 acre land in favour of Suresh More. According to the Complainant, the Applicant had impersonated his father and had executed the document in favour of the purchaser and hence, has committed the offence of forgery. It is a matter of record that the alleged transaction is of the year 2002. The first information report is lodged in 2017. It is alleged by the complainant that after the demise of the father of the Applicant, the said document was executed.

4. Perused the papers of investigation. The father of the Applicant and the first informant has expired on 10th of July, 2012. Whereas the said document is executed in the year 2002. In these circumstances, it cannot be said that the Applicant impersonated his father. Moreover, the purchaser of the said land Suresh More has also expired.

5. In the above mentioned circumstances, since the Applicant and the Complainant happens to be the real brothers and the dispute is of a civil nature, the Applicant deserves to be granted pre-arrest bail. The observations are restricted to application under Section 438 of the Criminal Procedure Code, 1973 and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, the Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each and one or more solvent sureties in the like amount.
- (iii) The Applicants shall report to the concerned police station as and when called after issuing notice under section 160 of the Criminal Procedure Code.

Criminal Bail Application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]