

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1597 of 2018

Pramod Radhakisan Thakare. ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr. Aniket U. Nikam I/b. Mr. Aashish Satpute, advocate for applicant.

Mr. Prashant Jadhav, APP for State.

Mr. Jagdish Parsh Gavit, PSI, Indira Nagar Police Station, Nashik City.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : AUGUST 10, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1908. The applicant herein is apprehending his arrest in Crime No. 58 of 2017 registered at Indira Nagar Police Station, Nashik for offence punishable under section 379, 383, 420, 423, 465, 467, 468, 471, 504, 506, 120(b) of the Indian Penal Code.

3 It is the case of the prosecution that the complainant herein Pranal Dhole had filed a complaint in the court of Judicial Magistrate First

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Class at Nashik contending therein that he has been cheated by the present applicant. It is alleged that his mother had executed General Power of Attorney in favour of Mr. Pranal Dhole in respect of plot Survey No. 84/1B/2 out of Plot No. 8 admeasuring about 262.50 sq. meters. It is alleged that the present applicant had obtained development rights. He was asked to build a room for the watchman and the plastering of one flat. He was given consideration for the same. However, he had taken unauthorised access to the said flat. He wanted a share of the profit of the said scheme and had demanded money. He had posted his watchman in the room. The steel and other material was stolen. It was also alleged that the applicant had fabricated a document and has forged signature of the complainant and has prepared notarized documents in front of notary A.I. Shaikh allegedly in the presence of Yogesh Shegavkar and Vinod More. He has also given false public notice. It is also alleged that the applicant threatened him of dire consequences. Direction under section 156(3) of the Code of Criminal Procedure were issued by the learned Magistrate pursuant to the said direction on 28/2/2017. Statement of the complainant was recorded by police, on the basis of which Crime No. 58 of 2017 is registered at Indira Nagar Police Station.

4 Learned Counsel for the applicant has submitted that the

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applicant has filed civil suit in the Court of Civil Judge, Senior Division, Nashik against the complainant. The said suit is registered as R.C.S No. 304 of 2016.

5 The learned APP submits that although the name of A.I. Shaikh is mentioned in the FIR, the statement of A.I. Shaikh has not been recorded. The Investigating Officer recorded statement of the watchman who was ousted from the said building. The learned Counsel for the applicant submits that prima facie, the dispute is of civil nature and pressure tactics having being used against the applicant.

6 In the above mentioned facts, applicant deserves pre-arrest bail. Investigation would take its own course.

7 The observations are prima facie and restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and the same shall not be considered for quashing of FIR, discharge application or at the time of trial.

8 Hence, following order is passed :

ORDER

(i) The application is allowed.

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(ii) In the event of arrest in Crime No. 58 of 2017, registered at Indiranagar Police Station, Nashik, the applicant be enlarged on bail, on furnishing P.R. Bond in the sum of Rs.1,00,000/- with one or more solvent sureties in the like amount.

(iii) The applicant shall report to the concerned police station from 16/8/2018 to 20/8/2018 between 10.30 a.m. to 1 p.m. and cooperate with the investigating agency to the best of his capacity.

(iv) The applicant shall not tamper the evidence.

9 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

Aruna
Sandeep
Talwalkar

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Date:
2018.08.14
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