

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

ANTICIPATORY BAIL APPLICATION NO. 1558 OF 2017

Suresh Bhupal Patil

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Niranjan Mundargi i/b Prassanna Bhangale for the Applicant.

Mr. R.M. Pethe, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 15th FEBRUARY, 2018

P.C.:

. By an Order dated 08.09.2017, the Applicant was granted interim relief.

2 Heard the Learned Counsel for the Applicant, the learned APP and perused the record of investigation.

3 The FIR is lodged by Shri. Rajesh Salecha.

It is the prosecution case in brief that, the Applicant along with other accused persons though were not having authority as Managing Committee Members of Deshbhushan Co.Op. Housing Society Ltd. represented to the first informant that they were so and effected transfer of four tenanted premises in the name of first informant, his wife Smt. Indu and in his sister in law Smt. Seema Vardhan. It is alleged that, the Applicant and other accused persons by using bogus documents effected the said transfers.

4 The record indicates that as a matter of fact the said tenanted premises were transferred in the name of first informant and his family members. The record further indicates that the Applicant was earlier member of the Managing Committee whose tenure came to an end on 30.11.2004 and subsequently, under the directions of Deputy Registrar, Co-operative Societies, 'D' Ward dated 11.06.2005, the elections were conducted on 10.07.2005. That, approximately 80 members of the said society were present to the said election and the Applicant alongwith other accused persons were elected as Managing Committee Members of the society. The record further indicates that after the Applicant and other accused persons were elected as Managing Committee Members, the said committee conducted two meetings at 08.12.2007 and 14.01.2008 respectively and the Resolution to transfer the said tenanted premises in the name of first informant and his family members was passed therein.

5 It further appears from record that the Letters of Confirmation dated 22.06.2009 and 06.07.2009 were thereafter, issued by the said Managing Committee in favour of the first informant and his family members. In the premise, prima facie it appears that on the date of alleged transfer of the said tenanted premises in favour of first informant and his family members, the Applicant was The Chairman of the said Deshbhushan Co.Op. Housing Society. It further prima facie appears from the record that as a matter of fact, the first informant did not suffer any loss, least to say any wrongful loss in that behalf,

neither he was induced to part with valuable consideration on some false representation by the Applicant. The investigating agency has already seized all the relevant and necessary documents involved in the present crime from various Authorities. The investigation of the present crime is based solely on documents and therefore, in considered view of this Court, the custodial interrogation of the Applicant is not necessary for the further investigation of the present crime.

6 In view of the above, interim relief granted by Order dated 08.09.2017 is hereby confirmed.

7 Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)