

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Mr. Avinash B. Bhosale ...Applicant.
vs.
The State of Maharashtra ...Repsondent.

CORAM : A.S.GADKARI, J.
DATE : 10th August, 2018

1. This is an application under Section 439 of the Cr.P.C. for bail in MECR No. 5 of 2015 dated 5.4.2017 registered with Karad Police Station. Tal Sangli, District Solapur under Sections 406, 420, 463, 465, 467, 468, 471 of the Indian Penal Code which is converted into RCC No.284/2017 pending on the file of Judicial Magistrate First Class, Karad.

2. The first informant Suresh Ananad Thorat, Assistant Manager Legal Department of Rayat Sugar Factory filed private complaint against the applicant alleging that, the applicant took the said sugar factory on lease basis for manufacturing sugar for a period of 18 years by an agreement

dated/media/asn/TOSHIBA/10.8.2018 5.10.2013. That as the stamp duty which was to be paid on the said agreement was more than Rs.20.00 Crores. It is alleged that the applicant took the said document at Belgaon, Karnataka State and replaced three pages of it and got the said document executed at Belgaon by paying lesser stamp duty on it. The learned Judicial Magistrate First Class, Karad passed an Order under Section 156(3) of the Cr.P.C. and in pursuance thereof the present crime is registered.

During the course of investigation the applicant came to be arrested on 5.4.2017 and after completion of investigation the police have submitted charge sheet.

3. The learned counsel for the applicant submitted that, as a matter of fact the stamp papers which were annexed to the said agreement dated 5.10.2013 which were purportedly purchased from the State of Maharashtra were changed by the applicant and no alternation or modification in the clauses of the agreement including its recitals were made. He submitted that subsequently the applicant purchased stamp papers from Belgaon and executed an agreement by obtaining consent of the first informant. He submitted that as a matter of fact no case

of forgery is made out against the applicant.

4. Perusal of charge sheet indicates that, there is substance in the contention of the learned counsel for the applicant. It is to be noted here that, the applicant has not made any modification in terms of the original agreement and it prima facie appears that, only with a view to save the stamp duty which according to him is much higher and in the State of Maharashtra, he took the said document in the State of Karnataka and got it registered. It further prima facie appears that the applicant has not committed breach of any of the terms of the agreement. As noted earlier the applicant was arrested on 5.4.2017 and the police have filed charge sheet. No fruitful purpose will be served by keeping the applicant in further incarceration.

5. In view of the above the applicant can be released on bail. Hence, the following order.

a) The applicant be released on bail in MECR No. 5 of 2015 dated 5.4.2017 registered with Karad Police Station, Karad now culminated into RCC No.284/2017 pending on the file of Judicial Magistrate First Class, Karad on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like

amount.

- d) After his release from Jail the applicant shall attend the concerned police station on every first Tuesday of the month between 11.00 a.m. and 1.00p.m.
- e) The applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.
- f) The applicant shall not tamper with the evidence and /or influence the prosecution witnesses.
- g) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)