

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1723 OF 2017***

Ravindra Mabnohar Dube

Applicant

Versus

The State of Maharashtra & Anr.

Respondents

Mr. Viresh V. Purwant, for the applicant.

Mr.N.B.Patil,APP, for the State.

Mr. S.B.Rathod, PSI, Sadar Bazar Police Station, Solapur City present.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 8th February, 2018.

P.C. :

1. Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is apprehending his arrest in Crime No.531 of 2017 registered at Sadar Bazar Police Station for the offences punishable under Section 420 of the Indian Penal Code at the instance of Jayshree Raju Shagalolu.
2. It is the case of the complainant that she has an ancestral property at Majarewadi, Solapur. In the year 2009, her father-in-law had filed a suit seeking partition and possession of the said property. After the demise of her father-in-law, her mother-in-law had appointed one Mohan Pawar as her

power of attorney to look after the Court proceedings. However, it appears that Mohan Pawar was not co-operating with the complainant. Finally, the present applicant had approached the complainant at Pune and asked for her family to come to Pune Railway Station. From there she was taken to one Government office, wherein they were made to sign four non-judicial stamp papers and which were typed and two blank non-judicial stamp papers. It is alleged that there was no progress in the suit and the complainant had not get her share. It is alleged that since no steps were taken by the applicant, the complainant had suspected his bonafides. She had learnt from Siddharam Vadaje that the applicant was arrested in an offence registered at Barshi Police Station. At that time, she had contacted the applicant and sought return of the blank stamp papers. Since he refused to give, she was confident that the applicant has cheated her.

3. It is pertinent to note that in the course of investigation in Crime No.357 of 2017 registered at Barshi Police Station for the offences under Sections 384, 388, 389 read with Section 34 of the IPC. The blank stamp papers have been seized from the custody of Siddharam Vadaje who happened to be the close associate of the present applicant. The applicant has annexed to the application a copy of the non-judicial stamp paper which

were allegedly procured from the complainant and her family. Upon going through the contents of the said document, it appears that the complainant has appointed the applicant as the general power of attorney and all the expenses in the civil proceedings to be incurred by him.

4. The learned counsel for the applicant submits that the applicant was working as a journalist. He has been falsely implicated in the present case. The record would clearly indicate that the complainant would be a beneficiary. the said stamp papers were executed since the applicant was interested in purchasing the said property for a sum of Rs.7,50,000/- after the closure of the civil proceedings. In the facts of the present case, custodial interrogation of the applicant would not be imperative and hence the applicant deserves to be granted pre-arrest bail and the order dated 29.9.2017 deserves to be confirmed on the same terms and conditions.

5. It is made clear that the observations are restricted to an application under Section 439 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

(i) The application is allowed.

(ii) In the event of arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

(iii) The applicant shall report to the concerned police station on 16th, 17th, 23rd and 24th February, 2018 between 10.30 a.m. to 12 noon and co-operate with the investigation to the best of his capacity.

(SMT. SADHANA S.JADHAV, J.)