

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

ANTICIPATORY BAIL APPLICATION NO. 1840 OF 2017

Mahendra S/o. Ramnath Shelke ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Sanjiv Kadam a/w. Priyal Sarda for the Applicant.

Mr. S.R.Agarkar, APP for the State.

Mr. D.P. Suryawanshi API, Pimpri P. Stn. Present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 19, 2018.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No.8 of 2017 of 2018 registered with Pimpri Police Station, Pune for offences under Section 420, 466, 468, 471 r/w. 34 of IPC.

2. Heard Mr. Kadam, the learned Counsel for the applicant and Shri Agarkar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned

Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by the first informant Mahesh Totaram Sukhwani. The first informant is in construction business. He had purchased land under Survey No. 77/4 of village Ravet by Deed of Sale dated 13th April, 2015, on payment of total consideration of Rs.51,20,000/-to Balasaheb Salve, Balu Pawar, Pankaj Chitnis and Sagar Nade. When he visited the site, he could not locate the land based on the measurement map. Subsequently he found that the property was fenced by someone else. Upon inquiries, he learnt that the measurement map given to him was not issued in the name of the land owners and that the said map was fabricated. The Applicant, who was working as a Cadastral Surveyor in the Office of the Land Record is stated to have forged the signature on the said measurement map. Sanjay Shinde issued a cheque towards refund of consideration and compensation. The said cheque was dishonoured. The first informant therefore filed the report against the vendors and the applicant for committing the aforestated offences.

4. The records reveal that by Order dated 13th October, 2017 this Court had granted interim bail to the applicant. The applicant was directed to report to the Investigating Officer. The learned Counsel for the applicant submits that the applicant had reported to the Investigating Officer and that he has been interrogated. Subsequently, pursuant to the Order dated 12th January, 2018 the applicant had reported to the concerned police station and has once again given his specimen signature and hand-writing to the Investigating Officer. The learned APP submits that specimen signature and handwriting was forwarded to the Chief State Examiner and that the report prima facie indicates that the signature on the said map is not that of the applicant. The learned APP further submits that the investigation is already concluded and the chargesheet has been filed.

5. Considering the above facts and circumstances, in my considered view, this would be a fit case to grant pre-arrest bail, on the following terms and conditions:-

- (i) In the event of arrest of the applicant in Crime No.8 of 2017 of 2018 registered with Pimpri Police Station, Pune, the applicant be released on bail on furnishing PR Bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount;
- (ii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.
- (iii)** The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(ANUJA PRABHUDESSAI, J.)