

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

ANTICIPATORY BAIL APPLICATION NO. 2027 OF 2018

Santosh Madhukar Patil

... Applicant

Vs.

State of Maharashtra

... Respondent

...

Mr. Rajiv Patil, Sr. Advocate I/by Mr. Omkar V. Waghmare for the applicant.

Mr. A.R. Kapadnis, APP for the Respondent-State.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 6th OCTOBER, 2018.

P.C.

1. This is an application for anticipatory bail in connection with CR No. 1-150 of 2018 for the offences punishable under Sections 420, 464, 465, 466, 467, 468, 471, 120(B) read with 34 of the Indian Penal Code.

2. FIR was lodged on 19th June, 2018 with Padgha Police Station vide CR No. 150 of 2018 by Smt. Manda Aatmaram Pawar. Applicant had preferred an application for anticipatory bail before the Sessions Court which has been rejected on 11th July, 2018. Hence, the applicant has approached this Court.

3. Case of the prosecution is that the complainant is residing with the family at the given address. She was married with

Aatmaram Pawar on 17th May, 1986. She has ancestral land at her matrimonial village and the name of the complainant alongwith her sister and others were recorded under 7/12 extract. In the month of May, 2018, the complainant's son noticed that the name of the complainant has been removed from the 7/12 extract. He obtained on-line print of 7/12 extract in respect to the said property and noticed that the complainant's name has been deleted from the 7/12 extract. The complainant therefore obtained the copy of the document in respect of revenue entry from the office of Sub-Registrar, Bhiwandi and after perusal of the documents it was revealed that the complainant's nephew(applicant) have registered a power of attorney in his name and the said document is registered vide document No. 4401 of 2017 dated 21st August, 2017. It was realized that the document was executed by the accused as constituted attorney of the complainant. However, the complainant was impersonated by pasting photograph another women and her thumb impression was forged. It is further alleged that while registering said documents, Aadhar card was annexed, However, the Aadhar card of the applicant is different and bears separate number. It was therefore alleged that accused has committed aforesaid offence by

impersonating the complainant.

4. Learned counsel for the applicant submitted that applicant has been falsely implicated in this case. He has no reason to prepare such document. The complainant and her sister executed the released deed dated 26th September, 2017 in favour of the father of the applicant and said document is duly registered and the execution of the same is admitted. It is submitted that the name of the applicant is recorded in the revenue record. On the basis of gift deed executed by the father of the applicant in favour of the applicant, the name of the applicant was recorded in the revenue records. On the basis of gift deed and on the basis of alleged power of attorney, the name of the complainant was deleted. The complaint was filed on account of personal grudge and dispute of the property. The suit land is still in the name of the applicant and there is no dispute in that regard. Other members of the family has not lodged any complaint. The matter relates to the document and nothing has to be recovered from them.

5. On the contrary, learned APP submitted that applicant is involved in fabricating documents. The power of attorney allegedly bears the photograph of different lady. The said

document is not signed by the complainant. The photographs of another lady is pasted on the power of attorney and document was executed by impersonation. It is further submitted that Aadhar card is relied by the accused. However, the Aadhar card of the complainant is different. To find out the truth custodial interrogation of the applicant is necessary.

6. It is pertinent to note that the alleged power of attorney is purportedly signed by the complainant and the applicant. The photograph of the applicant is also pasted on the said power of attorney, however in place of the photograph of the complainant some other photograph has been pasted. Thus investigation authorities intend to find out the truth. Signature bearing on the said document is apparently false and fabricated. Applicant relies upon the release deed which was executed by the father of the applicant. However, on perusal of the said document it is apparent that there was impersonation even in said document. The contention of the applicant is that the release deed was already executed in his favour and there is no reason for him to fabricate the documents. The photographs of a woman which is appearing in the release-deed also apparently appears in the power of attorney. In the circumstances, the documents are in

clouds of suspicious and on this aspect thorough investigation has to be conducted. In the circumstances, no case for grant of anticipatory bail is made out by the applicant. Application stands rejected.

7. Learned counsel for the applicant seeks time to surrender. In view of the submission, applicant is granted one week time to surrender before the concerned Investigating Officer.

(PRAKASH D. NAIK, J.)