

Sarnobat

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

ANTICIPATORY BAIL APPLICATION NO. 2154 OF 2017

Shankar Narsingh Vhatkar.

.. Applicant.

Vs.

The State of Maharashtra.

.. Respondent.

Mr. Samir Vaidya a/w Mr. Rahul Kadu a/w Mr. Kaustubh Marathe a/w
Mr. Parag dusane, a/w Mr. Akash Musale, a/w Mr. Abhilesh Chitre I/by
S. K. Legal, for the Applicant.

Mr. S. H. Yadav, APP for the Respondent/State.

Mr. Nandkummar Y. Tadarle, PSI, Bhore Police Station.

CORAM : P. N. DESHMUKH, J.

DATE : 20TH MARCH, 2018.

P. C. :

1. Heard learned counsel for applicant and learned Additional Public Prosecutor. Perused the case diary.
2. This application is filed for grant of anticipatory bail in Crime No. 72/2017 registered with Bhore Police Station, District Pune.
3. It is submitted on behalf of the applicant that, only role which is attributed to him as per report is of his acting as agent in a transaction of sale of agriculture land between complainant and one Ganpat Ramji Malekar who according to the report in fact was already dead on the day of execution of documents. It is further contended that said fact of death of Ganpat Ramji Malekar was to the knowledge of

complainant within three to four months of the alleged transaction which has taken place in October, 2014. However, no report was lodged till August, 2017. It is therefore, submitted that as the role of applicant is that of acting as agent, no purpose will be served even if applicant is given into the custody of Investigating Officer as, his custodial interrogation is not necessary. It is therefore, contended that application be allowed.

4. Learned APP opposed the application and has stated that applicant had knowledge of death of Ganpat Ramji Malekar and inspite of same, he acted as an agent to the transaction of sale of land owned by Ganpat Malekar with complainant and as such actively participated in the present transaction. It is therefore, prayed that application be rejected.

5. From the report it is revealed that in September, 2014, applicant with one Santosh Gaikwad met complainant and informed about sale of some land situated at Village Male, Taluka Bhore owned by Ganpat Malekar. At that time complainant was accompanied with one Suresh Malekar close relative of Ganpat Malekar and therefore, visited Gat No. 147 and agreed to purchase said piece of land admeasuring 31.5 Ares for consideration of Rs.4,75,000/- and had accordingly registered the Sale Deed in the office of Sub-Registrar on 8th October, 2014. According to the report, applicant along with Santosh Gaikwad

and Suresh Malekar produced one person as Ganpat Malekar and two witnesses namely Sampat Malekar and Sushila Ramchandra Pol, brother and sister of Ganpat Malekar respectively. Admittedly these two attesting witnesses who are brother and sister of Ganpati Malekar are released on bail.

6. Considering involvement of applicant as aforesaid, his role as found in the report is he has acted as an agent for aforesaid transaction. Point which is necessary for consideration is what prevented complainant from lodging report immediately after his getting knowledge of death of Ganpat Malekar in the year 1968 within 3 to 4 months from the date of execution of documents on 8th October, 2014.

7. Having considering facts as aforesaid, custodial interrogation of applicant is not found necessary. However, since investigation is in progress, application can be allowed by imposing suitable conditions upon applicant as per order below to facilitate the investigation.

ORDER

(i) In the event of arrest of applicant in Crime No. 72/2017 registered with Bhore Police Station, Pune, he shall be released on bail on his executing P.R. bond in the sum of Rs.25,000/- with one surety in the like amount.

- (ii) While on bail, applicant shall attend Investigating Officer as and when called till the filing of charge-sheet.
- (iii) Application is disposed of in above terms.

[P. N. DESHMUKH , J.]