

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

**ANTICIPATORY BAIL APPLICATION NO.01 OF 2019**

Ashok Vishwanath Deokar

.... Applicant

versus

The State of Maharashtra & Anr.

.... Respondent

.....

- Mr. Tejesh Dande a/w. Bharat Gadhavi I/b. Tejesh Dande & Associates for Applicant.
- Mr. S. R. Agarkar, APP for the State/Respondents.
- Mr. S. B. Rathod, PSI, Sadar Bazar Police Station, Solapur city present.

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 10<sup>th</sup> JUNE, 2019**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No.I 619 of 2018 registered with Sadar Bazar Police Station, Solapur, under sections 420,467,468,471 and 120(B) r/w. 34 of the Indian Penal Code.

2. The F.I.R. is lodged on 15/09/2018 by one Ramchandra Vitkar. According to him, about 24 people from their community had decided to form a Co-operative society by name

Siddheshwar Housing society, and for that they had purchased 1H and 1R land at Mouje Hipparga, Tal. Solapur bearing Gut No.61/1A. According to the first informant his father was allotted plot No.19 admeasuring 3000 Sq.ft. The informant's father's name was registered in 7/12 extract. The first informant's father expired on 15/11/2000. Before 8 months of lodging of the F.I.R., the first informant came to know that the present applicant had sold the plot to a third person. On further inquiry he came to know that the plot was sold on the basis of purported power of attorney issued by one Kashinath Chougule. The first informant mentioned that even that power of attorney was a forged document and litigation is pending in that behalf. The sale deed was signed by two others who had no authority whatsoever. It is further alleged that the plot was sold on 17/03/2012 to one Suravase. Thus, the first informant was cheated and was deprived of his legitimate right. Based on these allegations, the F.I.R. was lodged.

3. This court (Coram : Nitin W. Sambre, J.) vide order dated 03/01/2019 had observed that there was sufficient documentary material against the present applicant to infer his

prima facie involvement. However, it was also observed that the learned counsel for the applicant had made a statement that the applicant would deposit entire amount of consideration of the plot at Ready Reckoner rate with the investigating officer.

4. Heard learned counsel Mr. Tejesh Dande for the applicant and learned A.P.P. Mr. S. R. Agarkar for the State.

5. Learned counsel for the applicant submitted that subsequent to that order dt.03/01/2019 the applicant has deposited an amount of Rs.4,74,000/- in this court. He submits that this figure was arrived on the basis of ready reckoner which was accepted by the Investigating officer and, therefore, he submitted that he has established his bonafides. Learned A.P.P. submitted that the offence is serious and that forgery and cheating are apparent from record.

6. I have considered the rival submissions and the order passed by this court in the past. The applicant, pursuant to this order, has deposited the amount which he had undertaken to deposit. Shri. Dande, learned counsel for the applicant also invited my attention to the medical papers of the present applicant which

show that he is suffering from serious heart ailment. Considering these aspects that, firstly, he has complied with the directions of this court, secondly he is suffering from serious heart ailment and thirdly he has showed his bonafides by honouring his commitment, in my opinion, though the offence is clearly made out, at this stage, custodial interrogation of the applicant may not be necessary.

7. Hence, the following order :

### **ORDER**

- (i) In the event of his arrest in connection with C.R. No.I 619 of 2018 registered with Sadar Bazar Police Station, Solapur, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**