

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

ANTICIPATORY BAIL APPLICATION NO.306 OF 2018

Anil Sudam Mali & Anr.	..	Applicants
Vs.		
State of Maharashtra	..	Respondent

**ALONG WITH
ANTICIPATORY BAIL APPLICATION NO.307 OF 2018**

Prashant Nivrutti Sangar & Ors.	..	Applicants
Vs.		
State of Maharashtra	..	Respondent

Mr.Shirish Gupte, Senior Advocate I/by Mr.Dilip Bodake for the applicants.

Ms.S.S. Kaushik, APP for respondent-State.

Mr.B.S. Khandekar, Police Naik, Vaduj Police Station, Satara.

CORAM : P.N. DESHMUKH, J.

DATE : 1st April 2019

P.C.:

. Both these applications were heard together as they arise out of C.R. No. 34 of 2018. Heard learned senior counsel for applicant and learned APP for respondent-State. Investigating Officer is present.

2. Learned counsel for applicants submitted that applicants in Anticipatory Bail Application No.306 of 2018 had only acted as witnesses and as such had identified the vendors of the documents executed by Murlidhar Wagh in favour of applicants in connected

Anticipatory Bail Application No.307 of 2018, who had accordingly purchased the landed property and had contended that having considering limited role of applicant as aforesaid and since investigation is complete and charge-sheet is filed, interim order in favour of applicants be confirmed by imposing suitable conditions as neither of these applicants can be termed as beneficiaries in the present crime.

2. Learned APP had not disputed above facts of complaint and on instructions, makes a statement that applicants had attended Investigating Officer and have co-operated with investigation.

3. This Court while protecting applicants by interim directions, observed that no report was lodged for about 4 years by alleged vendors in respect of sale transaction wherein applicants are witnesses and purchasers respectively as stated aforesaid. Case of prosecution thus prima facie appears to be that applicants Anil Mali and Pravin Deshmukhe as witnessed had identified Murlidhar Wagh who has executed sale deed in favour of applicants in Anticipatory Bail Application No.307 of 2018. According to prosecution, said Murlidhar Wagh is not traceable. Considering the facts as aforesaid and role assigned to applicants, fact of Murlidhar Wagh being absconding can be

no ground to reject application as inspite of filing of charge-sheet, prosecution can always take steps and on collecting evidence, sufficient to file supplementary charge-sheet, may do the needful. In that view of the matter, application is allowed as per order below :-

ORDER

- (i) Interim order passed by this Court on 21st February 2018 stands confirmed with direction to applicant to inform there whereabouts to I.O. if they intend to leave Pune for any reason extending period of three weeks and above in writing, in advance;
- (ii) Both applications are disposed of as allowed in above terms.

P.N. DESHMUKH, J.