

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.483 OF 2019

Bharat Rajnikant Gandhi	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

Mr.S.V.Marwadi I/b Mr.N.M.Ndar, for the Applicant.
Mr.R.M.Pethe, APP for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 27th FEBRUARY, 2019

P.C. :

. This is an application for anticipatory bail in connection with C.R. No. 233 of 2018 registered with Talasari police station for the offences punishable under sections 420, 465, 467, 468, 471 read with 34 of I.P.C.

2. The First Information Report was lodged on 29/12/2018. The case of the prosecution is that in the year 2012, while the complainant was at Talasari, accused Nos. 1 and

2 had visited his house and inquired whether he intends to sell his land. It is further alleged that accused Nos. 1 and 2 told the complainant that he should supply them the death certificate of his father and land would be transferred in his name. The complainant had supplied copy of the power of attorney. The complainant thereafter learnt that the accused in conspiracy with each other, executed a power of attorney in favour of the applicant and used the same for the disposal of the property bearing survey No. 97/96 having 4.02 hectares and survey No. 102/1 having 4.76 hectares of land. The properties were disposed of without his knowledge and consent. It is further alleged that accused Nos. 1 and 2 had presented a cheque for Rs. 40,000/- which was dishonored.

3. The applicant had preferred an application for anticipatory bail before the Sessions Court which was rejected vide order dated 28/01/2019.

4. The contention of the applicant is that he is the

estate broker by profession. The document viz. power of attorney was signed by the complainant in presence of witnesses and the same was registered in the year 2012. The First Information Report has been lodged in 2018 after a period of about 6 years. Learned APP submitted that the complainant was misled by the accused while executing the document. It is submitted that the properties belonging to complainant were sold by using the power of attorney.

5. Apparently, the power of attorney was executed as stated above in 2012. It is a registered document. The grievance was made belatedly after a period of 6 years. The matter relates to document and custodial interrogation is not required. In the circumstances, application can be allowed with direction to the applicant to co-operate with the investigating officer. Hence, the following order.

ORDER

(i) Criminal Anticipatory Bail Application No. 483 of 2019 is allowed;

(ii) In the event of the arrest of the applicant in connection with the C.R. No. 233 of 2018 registered with Talasari police station, the application be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report the investigating officer on 06th, 7th and 8th March 2019 between 11.00 a.m. to 1.00 p.m.

(PRAKASH D. NAIK, J.)