

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.594 OF 2019

Aashirwad Jayawant Ringad

Applicant

versus

The State of Maharashtra

Respondent

Mr.S.V.Marwadi I/by N.M.Nadar for applicant.

Mr.R.M.Pethe, APP, for State.

Mr.Shrikant Koli, PSI, Talasari Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 8th March 2019

PC :

1. This is an application for anticipatory bail in CR No.233 of 2018 registered with Talasari Police Station for offences under Sections 420, 465, 467, 468, 471 r/w 34 of Indian Penal Code.

2. The first information report was lodged on 29th December 2018. The case of 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 the copy of 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 the cheque for Rs.40,000/- which was dishonoured.

3. The applicant had preferred an application for anticipatory bail, which was rejected by order dated 14th January 2019. the co-accused Bharat Gandhi had preferred Anticipatory Bail Application No.483 of 2019, which was allowed by order dated 27th February 2019. The role played by the applicant is of inducing the complainant.

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 FIR has been lodged in 2018 after a period of about six 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 six years. The matter relates to documents 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.

6. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail application No.594 of 2019 is allowed and disposed off;
- (ii) In the event of arrest of applicant in connection with CR No. 233 of 2018 registered with Talasari Police Station, the applicant be released on bail on 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 of Talasari Police Station on 13th, 14th and 15th March 2019 between 11 am and 1 pm.

(PRAKASH D. NAIK, J.)

MST