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

CRIMINAL BAIL APPLICATION NO.1744 OF 2019

Santosh Madhukar Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Rajendra Raghuvanshi and Mr.Santosh Bhamre, for the Applicant.

Mr.S.V.Gavand, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 30th JULY, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-150 of 2018 registered with the Padgha Police Station, Thane, for the alleged offences punishable under Sections 420, 464, 465, 467, 468, 471, 120B and 34 of the Indian Penal Code.
3. Perused the papers. According to the complainant - Manda Pawar, her maternal house is at Kurund, Padgha, Taluka – Bhiwandi, where

her family has ancestral lands, in which she is a co-owner alongwith her brothers and sisters. The complainant has stated that the 7/12 extract stood in her name alongwith her siblings. She has stated that in May, 2018, her son – Manoj was examining the 7/12 record of the said property on-line, when he noticed that her (complainant's) name was deleted, pursuant to which, she (complainant) sought information from the office of the Deputy Registrar, Bhiwandi, in respect of the said Survey Numbers. It was revealed that the applicant – Santosh had got a bogus power of attorney executed in his favour purportedly given by the complainant to him vide Document No.4401/2017 dated 21st August, 2017. During investigation, it was also revealed that a photograph of some other lady was affixed on the said document, thereby impersonating the complainant. Similarly, the document was signed and the thumb impression was also of some other person. It was also noticed that at the time of registration of the said document, a fake and forged Aadhar Card was used. According to the complainant, on the strength of the said power of attorney, the applicant got the land standing in her name, transferred in his own name and as such committed the aforesaid offences.

4. Learned Counsel for the Applicant has tendered an Undertaking and Affidavit of the Applicant. The said Undertaking and Affidavit is taken on record and marked 'X' for identification. In the said Undertaking and Affidavit, the applicant has undertaken to give his No objection and consent to record the name of the complainant – Manda Pawar, as per the schedule of the properties, as on 26th September, 2017. He has stated that the alleged power of attorney, is unused and that the said power of attorney be cancelled and declared null and void *ab initio*. He also stated that he will co-operate in all the proceedings and also for getting the documents i.e. Power of Attorney, Release Deed and Gift Deed cancelled or declaring the same void and has also agreed to restore the properties in the name of the complainant. The applicant is in custody since October, 2018. Investigation is complete and charge-sheet is filed.

5. Learned APP to hand over the Undertaking and Affidavit given by the applicant, to the complainant, through the Investigating Officer.

6. Considering the aforesaid and in particular the Undertaking

and Affidavit of the applicant, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;

vi) The Applicant shall abide by his Undertaking and Affidavit dated 27th July, 2019, which is marked as 'X' for identification;

vii) An undertaking to the aforesaid clauses (ii) to (vi), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of his release;

viii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.