

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

ANTICIPATORY BAIL APPLICATION NO.2000 OF 2019

Kaluram Laxman Kale & Anr. ... Applicants

Versus

The State of Maharashtra. ... Respondent

Mr. Ganesh Bhujbal for Applicant.
Smt. S. S. Kaushik, APP for State.
Mr. N. P. Sudnik, PC 2185, Loni Kalbhor Police station.

**CORAM :- SARANG V. KOTWAL, J.
DATE :- 16th SEPTEMBER, 2019**

P. C. :-

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 528 of 2019 registered with Loni Kalbhor Police Station, under Sections 420, 467, 468 and 471 r/w. 34 of the IPC.
2. The FIR is lodged by the first informant Savita Dnyaneshwar Kale. She has stated in her FIR that she along with her sisters in law Vimal Ramdas Kale and Hirabai Kaluram Kale had purchased a land in Gut No.958 at village Alandi, Tal. Haveli, Dist. Pune from one Bapu Shankar Walhekar, in the year 1998. In 2019,

the informant and her sister in law Vimal were in need of money, therefore, they wanted to mortgage the property. When they removed 7/12 extract, they found that the property stood in the name of accused Hirabai alone. They made further inquiry and they came to know that on 23/10/2009 a sale deed was executed and registered. At that time somebody else had stood for the informant Savita and her sister in law Vimal. The sale deed did not bear their signatures and yet they were identified by the present applicant. The applicant No.2 Dilip had identified the impostors who had stood for the informant and Vimal. The applicant No.1 had identified his wife Hirabai. Hirabai was the beneficiary of this fraud. Both applicants, as well as, informant and other victim Vimal were closely related, therefore, applicants were very well aware that the informant and Vimal were not present at the time of execution and registration of this document and yet both of them put their signature as identifying witnesses. These applicants were well aware of the fraud and, therefore, their role is clearly made out in the FIR.

3. Learned counsel for the applicants submitted that main accused Hirabai is arrested. He further submitted that both the

applicants were merely attesting witnesses and not the beneficiaries. Learned APP opposed this submission.

4. I have considered the allegations in the FIR and the submissions made on behalf of the applicants.

5. Clearly, it is the case where the impersonators, beneficiary Hirabai and both these applicants were aware that the document was executed fraudulently and yet all of them had executed, signed and registered the document. The present applicants cannot take recourse to the defence that they were merely attesting witnesses. Considering their very close relationship, this defence is not acceptable, even at this stage. Their custodial interrogation is necessary to unearth the exact nature of fraud and other beneficiaries in the transaction. No case for anticipatory bail is made out.

6. The application is rejected.

(SARANG V. KOTWAL, J.)