

ANTICIPATORY BAIL APPLICATION NO.2064 OF 2018

Vishal Anant Nage & Anr. Applicants
 versus
 The State of Maharashtra & Anr. Respondents

- CORAM : SARANG V. KOTWAL, J.**
DATE : 18th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.41/17 registered with Goregaon Police Station, District Raigad, under sections 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.
2. The FIR is lodged on 02/05/2017 by one Shafiq Ahmed Hasan Jalgaonkar. It is the case in the FIR that he had purchased a land bearing Survey No.97, Hissa No.1 at village Ambarle, Talukar Mangaon vide registered document dated

25/11/2008 bearing registration No.4837/2008. The document was registered with the Sub-Registrar's office at Mangaon. In the FIR he has mentioned that the document was executed by the present Applicant No.1 as the power of attorney holder of one of the land owners Dattatray Maruti Balkavde. Subsequently, one Sandesh Ramchandra Nage gave a 7/12 extract in respect of the same land to the present first informant showing his name in the records. However, subsequently, the first informant came to know that his name was not entered into the record and the extract given to him was not genuine. On further enquiries he found out that the power of attorney, used by the present Applicant No.1 for entering into the transaction, was a forged document. The original land owner Dattatray Balkavde had died on 28/06/2003. The power of attorney purportedly executed on his behalf was actually executed after his death. The Applicant No.2 has signed that document as the witness. Hence, the document is a forged document which is used in entering into forged transaction, for which the first informant has parted with this amount.

3. Learned Counsel for the Applicant submitted that the charge-sheet is already filed against the other accused and therefore the custodial interrogation is not necessary. Documents are in custody of the investigating agency.
4. Learned APP submits that the document in question i.e. the power of attorney is not recovered in this investigation. Therefore custodial interrogation of the Applicant is necessary.
5. Considering submissions made by both the parties it is quite apparent that the offence is clearly made out and even the custodial interrogation of the Applicant is necessary to find out the exact nature of conspiracy and as to how the document was forged.
6. No case for anticipatory bail is made out. The application is rejected.

(SARANG V. KOTWAL, J.)