

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

925 ANTICIPATORY BAIL APPLICATION NO.644 OF 2021

**VIKRAM RAOSAHEB GADHEKAR
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Umesh N. Shete, Advocate for the applicant
Mr. N. T. Bhagat, APP for the respondent/State

**CORAM : SANDEEP K. SHINDE, J.
DATE : 04-08-2021**

P. C.

. Heard learned counsel for the applicant and learned APP for the respondent/State.

2. Apprehending the arrest in connection with Crime No. 423 of 2021 registered with CIDCO Police Station, Aurangabad for the offences punishable under Sections 406, 420, 468 and 471 read with Section 34 of the Indian Penal Code, the applicant seeks pre-arrest bail.

3. Applicant is an employee of M/s. A. U. Small Finance, a non banking finance company. M/s. A. U. Finance sanctioned and disbursed loan to Deepak Dhanwate against the security of property being tenement No. 47/06, situated at N-11-K-47-06 ('said property' for short). This property was initially allotted to Mrs.

Madhuri Bhalerao (complainant) by CIDCO. Vide registered deed of assignment dated 01-12-2016 the complainant assigned her rights in said property in favour of Deepak Dhanwate (co-accused). Before assigning the rights complainant had secured transfer orders/permission from CIDCO after paying the necessary transfer charges. Whereafter in 2019 Deepak Dhanwate secured loan from A. U. Finance by mortgaging the said property. Applicant, being employee of A. U. Finance submitted a verification/inspection report concerning said property i.e. tenament No. 47/06.

4. On 04/06/2021 Madhuri Bhalerao initial allottee of said property filed, first information report to allege that Deepak Dhanwate by falsification got, deed of assignment executed in his favour. She would therefore, allege that deed of assignment does not bind her, being forged document.

5. I have perused registered deed of assignment dated 01-04-2016. Vide this deed, the complainant had assigned all her rights and interest in the said property i.e. tenament No. 47/06 in favour of Deepak Dhanwate. Before executing the deed of assignment she had secured transfer order /permission from the CIDCO. This being a registered document, it carries the presumption of correctness. Prima-facie I am of the view, the complainant has no right or interest in the said property. In consideration of the facts stated above, prima-facie there was no impediment to mortgage the said property.

6. Prima-facie there is no complicity of the applicant in commission of offences alleged by the complainant.

7. For the reasons stated above, custodial interrogation of the applicant shall not further the prosecution case. Application is allowed on the following terms and conditions.

ORDER

i. In the event of arrest in connection with the crime No. 423/2021 registered with CIDCO Police Station, Dist. Aurangabad for the offences punishable under Sections 406, 420, 468, 471 read with Section 34 of the Indian Penal Code, the applicant shall be released on bail on executing bond in the sum of Rs. 20,000/- [Rupees Twenty Thousand] with one or more sureties in the like amount. The applicant shall join the investigation as and when called by the Investigating Officer.

[SANDEEP K. SHINDE, J.]