

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 485 OF 2019**

Sandeep Kisan Gawande ... Applicant
V/s.
The State of Maharashtra ... Respondent

WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 833 OF 2019

Pratik Sunil Akade ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr.Kedar J. Patil for Applicant(s) in ABA/485/2019 and ABA/833/2019.
Mrs.Rutuja Ambekar, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 17th July 2021.
(Through Video Conferencing)

PC. :

1. By Orders dated 20th March 2019 and 4th April 2019, the Applicant(s) were granted granted interim reliefs and were directed to attend the Investigating Officer on stipulated dates.
2. Heard Mr.Patil, learned counsel for the Applicant(s) in both Applications and Mrs.Ambekar, learned A.P.P. for Respondent-State. Perused the record and Affidavits dated 28th August 2019 and 29th January 2021 filed

by the Investigating Officers.

3. The First Information Report is lodged by Pramod Ramchandra Zankar. It is the prosecution case that, though the father of the informant, namely, Ramchandra Narayan Zankar expired in the year 1973, yet a Sale-Deed dated 26th May 2017 of his immovable properties was executed in favour of the principal accused Gaurav Vijay Akade. That forged documents of Ramchandra Zankar were used while executing the said Sale-Deed. It is the further prosecution case that, the Applicant(s) herein have signed the said Sale-Deed in their capacity as witnesses. It is also shown that, an amount of Rs.8,00,000/- has been transferred in the name of one Mr.Sagar Zankar, who claimed to be the son of Ramchandra Zankar and who also claimed to be the owner of the immovable property.

4. It is to be noted here that, after taking into consideration the role attributed to the principal accused, namely, Gaurav Vijay Akade, the material available against him showing his clear complicity in the present crime and antecedents at his discredit, this Court by its Order dated 17th July 2021 has dismissed as withdrawn, the Anticipatory Bail Application No. 649 of 2019 preferred by him.

5. Perusal of record would indicate that, the Applicant(s) have signed the said Sale-Deed of Conveyance dated 26th May 2017 as witnesses. Apart from signing of the said Agreement in their capacity as witnesses, no

other overt act is attributed to the Applicants in the present case. It further appears that, the Applicants have signed the said documents under the directions of principal accused Gaurav Vijay Akade. In affidavit dated 29th January 2021 filed by the Investigating Officer, it is the only role attributed to the Applicants herein that, they stood as witnesses only at the time of execution of Sale-Deed of the Conveyance Deed dated 26th May 2017.

The record further indicates that, the Applicants have attended the Investigating Officer on stipulated dates in pursuance of Orders dated 20th March 2019 and 4th April 2019.

6. In view of the above, the Applicant(s) can be protected by pre-arrest bail.

Interim reliefs granted by Orders dated 20th March 2019 in Anticipatory Bail Application No. 485 of 2019 and dated 4th April 2019 in Anticipatory Bail Application No. 833 of 2019 are hereby confirmed. However, the condition to attend the Investigating Officer is waived.

7. Both the Applications are allowed in the aforesaid terms.

[A.S. GADKARI, J.]