

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

BAIL APPLICATION NO. 2219 OF 2021

BHALCHANDRA
GOPAL
DUSANE

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Date: 2021.10.14
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Santosh Tukaram Kolambekar Applicant

Vs.

The State of Maharashtra Respondent

Mr. Dheeraj Patil a/w Namitkumar Pansare, Suyash Sule i/by Drupad S. Patil for Applicant.

Mr. A.R. Kapadnis, APP for State.

Mr. Rizwan Merchant a/w Mr. Ashokvardhan Purohit a/w Ramiz Shaikh for Intervenor.

PSI, Rohit Bhise and PSI Narayan Ghadge, Mahim Police Station

Coram : NITIN W. SAMBRE, J.

Date : 13th OCTOBER, 2021

P.C.:

1. Heard Mr. Patil, learned counsel appearing for the applicant and learned APP assisted by Mr. Rizwan Merchant, learned counsel appearing for the complainant.

2. The applicant came to be arrested on 9th February, 2021 in Crime No. 302 of 2020, registered with Mahim Police Station, for the

offence punishable under Sections 420, 406, 409, 120(B), 506 read with 34 of Indian Penal Code.

3. After the investigation is completed, charge-sheet is filed.
4. The prosecution case against the applicant is, one Vijay Pawar was entrusted with the work of acquiring land for the complainant for which substantial amount to the tune of around Rs.3.50 Crores was transferred to his account. Instead of acquiring the land in favour of the complainant, Vijay Pawar got the land transferred in his own name and such documents are drafted and presented for execution by the present applicant.
5. In the aforesaid background, learned counsel for the applicant submits that, since there are no criminal antecedents and the investigation in the matter is already over, the applicant is entitled to be released on bail particularly having regard to the role attributed to him.
6. Mr. Kapadnis, learned APP and Shri. Merchant would urge that the applicant's application is liable to be rejected on the ground

that there is sufficient material to infer prima facie involvement. It is claimed that the amount was transferred in the account of said Vijay Pawar and indirectly the applicant is also beneficiary of the same, who is custodian of the documents executed by the agriculturist thereby transferring the land. It is further claimed that accused No. 1 is still not surrendered after release on temporary bail and one of the accused is absconding. That being so, investigation is still going on and as such the application is rejected.

7. Considered submissions.

8. The role attributed to the applicant is to act in aid with main accused Vijay thereby drafting and presenting the documents for registration / execution. There is no material on record to infer that the applicant is monetarily benefited out of consideration alleged to have received from Vijay from the complainant.

9. As far as issue of recovery is concerned, the applicant is already subjected to custodial interrogation. The documents, which are already registered, the copies thereof are already available with the

office of Sub-Registrar. That being so, a case for grant of bail is made out. The application is allowed on following conditions :

ORDER

(i) The applicant be released on bail in Crime No. 302 of 2020, registered with Mahim Police Station, for the offence punishable under Sections 420, 406, 409, 120(B), 506 read with 34 of Indian Penal Code, on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall neither influence the prosecution witnesses in any manner nor tamper with the evidence.

(iii) The applicant shall remain outside the jurisdiction of the concerned Police Station till charge is framed.

(NITIN W. SAMBRE, J.)