

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2145 OF 2021

Anil Dilip Waychal	... Applicant
V/s.	
The State of Maharashtra	... Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2146 OF 2021

Sanjay Vilas Agrade	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr.Ashish Sawant a/w. Ms.Vriddhi Maria for Applicants.
Mr.Y.M. Nakhwa, A.P.P for Respondent-State.
Mr.Pravin Shivaji Sirsat, P.S.I., Barshi City Police Station, Solapur (R.).

CORAM : A.S. GADKARI, J.
DATE : 13th September 2021.

PC. :

1. The Applicants are apprehending arrest in connection with C.R. No.0199 of 2021 dated 30th April 2021 registered with Barshi City Police Station, District Solapur (R.) for the offence punishable under Section 420, 467, 468, 471, 120-B of the Indian Penal Code and under Section 82 of the Indian Registration Act 1908.

2. Heard Mr.Sawant, learned counsel for the Applicants and Mr.Nakhwa, learned APP for State. Perused record.

3. The First Information Report is lodged Mr.Ajinkya Shrikant Pise. The prosecution case in brief is that, Mr.Somnath Ramakant Pise (accused No.1) had availed a loan facility of Rs.3 crores from The Baramati Sahakari Bank Limited, Branch Barshi in January 2018 by mortgaging property bearing Gat No.514/1. A notice of *lis-pendens* bearing No. 4206 of 2020 was registered on 3rd November 2020 with the Sub-Registrar of Assurances, Class-2, Barshi. That, though the said property was mortgaged with the said Co-operative Bank and a notice of *lis-pendens* was already registered, Mr.Somnath Pise (accused No.1) executed a Sale-Deed of suit property in favour of Mr.Satish Shrimant Argade and Mr.Aabasaheb Shamrao Jarad. The sale-deed was registered with the Jt. Sub-Registrar, Barshi on 2nd March 2021. To the said sale-deed, a Certificate issued by The Baramati Sahakari Bank Limited, Branch Barshi stating that, there is no lien or encumbrance on the said property and there are no dues of the loan advanced by the bank, is annexed. The informant therefore has lodged the present crime alleging that, Mr.Somnath Pise (accused No.1) has fabricated the said Certificate of The Baramati Sahakari Bank Limited, Branch Barshi and by misleading the concerned authority has sold the suit property to Mr.Satish Shrimant Argade and Mr.Aabasaheb Shamrao Jarad. In this brief premise, the present crime is registered.

4. I have personally perused the photocopy of Sale-Deed, dated 2nd March 2021, which is duly registered with the Office of Jt. Sub-Registrar, Barshi. The Applicants have signed the said document in their capacity as witnesses. The record of investigation reveals that, till date there is no material available to even remotely indicate that, the Applicants have any participation or role to play in fabricating the said alleged bogus document i.e. the Certificate issued by The Baramati Sahakari Bank Limited, Branch Barshi.

5. As noted earlier, the only role ascribed to the Applicants is that, they have signed the said Sale-Deed in their capacity as witnesses and have identified the executants of the said document. It is not the prosecution case that, the said document dated 2nd March 2021 i.e. Sale-Deed is a bogus document or fabricated document.

6. In view of the above, Applicants can be protected by pre-arrest bail.

Hence, the following Order:-

- (i) In the event of arrest in C.R. No.0199 of 2021 dated 30th April 2021 registered with Barshi City Police Station, District Solapur (R.) for the offence punishable under Section 420, 467, 468, 471, 120-B of the Indian Penal Code and under Section 82 of the Indian Registration Act 1908, the Applicants shall be

released on bail on their furnishing PR. bond in the sum of Rs.15,000/- each with one or two separate local sureties.

- (ii) Applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

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

[A.S. GADKARI, J.]

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