

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

ANTICIPATORY BAIL APPLICATION NO.1365 OF 2019

Sakharam Kondiba Borhade & Ors. Applicants

Vs.

The State of Maharashtra Respondent

Mr. A.S. Khandeparkar a/w Mr. Rajdeep D. Gude & Mr. Rohit P. Mahadik
and Mr. Chhahed i/by Khandeparkar & Associates for Applicant.

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

Coram : NITIN W. SAMBRE, J.

Date : 2nd AUGUST 2021

P.C.:

1. The applicants are seeking pre-arrest bail in connection with Crime No. 685 of 2018, registered with Bhosari Police Station, Pune for the offence punishable under Sections 420, 464, 467, 468, 471, 120-B read with 34 of the Indian Penal Code.
2. The applicants are on ad-interim protection from 26th June, 2019 i.e. almost about 2 years.

3. The submissions of Mr. Khandeparkar, learned counsel appearing for the applicants are, on the very same set of facts, another crime was registered against the applicants, based on which they are facing trial vide Regular Criminal Case No. 659 of 2009, which is pending on the file of Judicial Magistrate, First Class, Pimpri. As such, he has invoked the principles of double jeopardy.

4. The aforesaid proposition of law, based on the facts canvassed by the learned counsel for the applicants is not disputed by the learned APP.

5. In the aforesaid background, the allegations appears to be drawing on forged and fabricated zone certificate based on a forged power of attorney, which is used after the death of executant.

6. However, since the aforesaid factual matrix about the applicants are being required to face a criminal trial referred on the same facts is not disputed, in my opinion, ad-interim protection ordered by this Court on 26th June, 2019 needs to be confirmed on the following conditions.

- i) In the event of arrest in Crime No. 685 of 2018, registered with Bhosari Police Station, Pune for the offence punishable under Sections 420, 464, 467, 468, 471, 120-B read with 34 of the Indian Penal Code, the applicants be released on bail on their executing P.R. bonds of Rs.25,000/- each with one or more sureties in the like amount;
- ii) The applicants shall attend the Investigating Officer on 23rd, 25th and 27th August, 2021 between 10.00 am. to 12.00 pm. and thereafter as and when directed;
- iii) The applicants shall not influence the prosecution witnesses or tamper with the evidence;

7 The application is disposed of accordingly.

(NITIN W. SAMBRE, J.)