

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

ANTICIPATORY BAIL APPLICATION NO. 2112 OF 2018

Tarabai Kisan Dhole ...Applicant
Versus
The State of Maharashtra and Anr. ...Respondents

Mr. Nilesh Pandey i/b Equa Juris, for the Applicant.

Ms. P. P. Shinde, A.P.P for the Respondent No.1 – State.

PSI – H. S. Chirmade, Shanti Nagar Police Station, Thane, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 10th AUGUST, 2021

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R.No.I-198 of 2018 registered with the Shanti Nagar Police Station, Thane, for the alleged offences punishable under Sections 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.

3. This Court (Coram: Prakash D. Naik, J.) vide order dated 11th October 2018, granted interim protection to the applicant and the applicant was directed to attend the concerned police station on the dates mentioned in the said order.

4. Learned Counsel for the applicant submits that the alleged forged and fabricated power of attorney is of 2008, whereas, the applicant purchased the property from Shobha Dhole in 2017. He submits that the said document entered into by the applicant and her husband is a registered Sale Deed. He submits that the accused No.1 - Shobha Dhole, who is alleged to have forged and fabricated the alleged power of attorney of the complainant also had a share in the said property and as such there was no reason for the applicant to disbelieve the same.

5. Learned APP does not dispute the fact that the applicant has attended the concerned Police Station, as directed by this Court vide order dated 11th October 2018. Learned APP on instructions states that charge-sheet has been filed in the said case against all other co-accused including Shobha Dhole. The case pertains to documents. All the documents have been seized in the said case. It is the case of the complainant that no such power of attorney was executed by him in favour of Shobha Dhole

(accused No.1). The applicant has purchased the said property on the basis of the power of attorney.

6. In the facts, custodial interrogation of the applicant is not warranted. The application is accordingly allowed and the interim protection granted by this Court vide order dated 11th October 2018, is confirmed on the following terms and conditions :-

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(ii) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iii) The applicant shall co-operate in the conduct of the trial.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.