

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1294 OF 2022

Akash Madhukar Narwade
Age – 28 years, Occ – Service
R/o Lane No. 13, Mukundwadi,
Aurangabad

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

.....

Mr. Abhaysinh K. Bhosle, Advocate for the applicant
Mr. V. S. Badakh, APP for respondent - State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 18th OCTOBER, 2022

ORDER :

1. The applicant is accused in Crime No.073 of 2022 registered with Vedant Nagar police station for the offence punishable under section 420, 467, 468, 471 read with 34 of the Indian Penal Code, which is registered on the basis of information lodged by Jaiprakash Gangile.

2. It is, in short, alleged by the informant that the informant is the General Power of Attorney holder of one Shri Shirish Madhukar Deshpande, who had purchased land gut No. 106 ademasuring 1 acre from Sheshrao Maruti Aagale (deceased).

The accused persons, named in the FIR, prepared forged power of attorney in the name of Shirish Madhukar Deshpande, by producing somebody else, in the place of Shirish Deshpande it was executed. The GPA was executed in the name of Chandrakant Piraji Waghmare. The FIR is lodged on 16th May, 2022 against three accused persons i.e. one unknown person who impersonated Shirish Deshpande, Chandrakant Waghmare in whose favour the GPA was executed and Shaikh Mohsin Shaik Mannan who has signed the GPA as witness.

3. The name of the applicant was not mentioned in the FIR and it appeared for the first time on 18th July, 2022 in the statement of one Ramesh Mhaske, who has stated that he was approached for preparing draft of GPA and in the draft of GPA, prepared by him, the power of attorney was granted in favour of one Raju Sable, however, before execution of the said draft, one Sushil Shirsath came to him and asked that name of the applicant be substituted in the GPA in the place of Raju Sable. Accordingly, he prepared the draft. However, he has further stated that the said draft was never executed and the co-accused had collected all the documents from him and left. Except this statement, there is nothing on record to show involvement of the applicant in the alleged offence.

4. Admittedly, the GPA is executed in favour of accused No.2 Chandrakant Piraji Waghmare. One Pandit Gangadhar Ghamurde, who allegedly posed to be Shirish Madhukar Deshpande and accused No.2 Chandrakant Waghmare are arrested and are behind the bars. Other accused persons namely Shaikh Mohsin Shaikh Mannan, who had signed the said document as witness is granted anticipatory bail by the Sessions Court. Accused No.4 named in the FIR Akshay Subhash Borse is shown to be witness in the charge sheet filed by the investigating agency on 11th August, 2022.

5. It is not the case of the prosecution that the applicant had accompanied the accused persons, when his name was tried to be substituted in the GPA or that he came along with other accused to collect the documents from Ramesh Mhaske.

6. Taking into consideration the fact that there is nothing on record to show the involvement of the applicant in the alleged offence and the fact that the investigation is over and charge sheet is filed, no useful purpose will be served by custodial detention of the applicant. Therefore, the application deserves to be allowed.

7. The application is allowed. In the event of arrest of the

applicant in connection with Crime No.073 of 2022 registered with Vedant Nagar police station for the offence punishable under section 420, 467, 468, 471 read with 34 of the Indian Penal Code, the applicant shall be released on bail on his executing PR bond and SB bond of Rs.15000/- with one surety in the like amount. The applicant shall attend the concerned police station as and when called by the investigation officer.

[NITIN B. SURYAWANSHI]
JUDGE

drp/aba1294-22