

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.860 OF 2022

Shrinivas Parshuram Gaddam ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Ritesh Thobde, for the Applicant
Mrs. M.R. Tidke, APP, for the State.

CORAM : N. J. JAMADAR, J.
DATE : JULY 13, 2022

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This is an application for pre-arrest bail in connection with CR No. 756 of 2021 registered with Sadar Bazar Police Station, Solapur for the offences punishable under Sections 120-B, 419, 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code, 1860 (“the Penal Code”).

3. Shabbir Sayyad (the first informant) lodged a report on 7th December, 2021 with the allegations that he is one of the co-owner of a plot of land bearing old Survey No. 218, New Survey No. 22/2/c. Kamlabai Balla was the original holder of Survey No. 22/2/d. On 4th

December, 2012, by impersonating Kamblabai Balla, a Power of Attorney was allegedly executed in favour of accused No. 1 Jalil Shaikh who, in turn, executed a conveyance in respect of plot Nos. 1 and 10, on 11th December, 2012 in favour of the applicant and one Baburao Sangepag (accused No. 7). Subsequently, the applicant and Baburao executed a conveyance in favour of Shantabai Malsiddhanvar on 20th April, 2013. It seems that on the strength of the said conveyance, Malsiddhanvar initiated an action against the first informant in the Civil Court. Thereupon, the first informant lodged the report.

4. Evidently, the first informant does not claim to be the holder of the property in respect of which false documents have been allegedly executed. The grievance of the first informant is that the transferee of the adjacent land claimed proprietary title thereto on the basis of forged instrument. In any event, the allegations of forgery and fabrication of documents are attributed to Jalil Shaikh, the transferor of the applicant.

5. Learned APP pointed out that in the intervening period, charge-sheet has been lodged on 5th March, 2022 against nine accused including the applicant.

6. In the circumstances, since the investigation is complete for all intent and purpose, custodial interrogation of the applicant, is not at all warranted. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

Hence, the following order:

ORDER

- 1] The application stands allowed.
- 2] In the event of arrest, in connection with CR No. 756 of 2021 registered with Sadar Bazar Police Station, Solapur, the applicant Shrinivas Parshuram Gaddam be released on bail on furnishing a P.R. Bond in the sum of Rs. 25,000/- and one or two sureties in the like amount.
- 3] The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- 4] The applicant shall regularly attend the proceedings before the jurisdictional Court.

(N. J. JAMADAR, J.)