

Santosh

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

ANTICIPATORY BAIL APPLICATION NO. 2981 OF 2021

Surendra Shashikant Karnik ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Sanjeev Kadam, i/b Ramdas Patil, for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

PSI Prashant Kshirsagar, Sadar Bazar Police Station, present.

CORAM: N. J. JAMADAR, J.

DATED : 16th JUNE, 2022

PC:-

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

2. This application is preferred for pre-arrest bail in connection with CR No.57 of 2021 registered with Sadar Bazar Police Station, Solapur, for the offences punishable under Sections 199, 200, 420, 447 and 448 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code").

3. Smt. Sunanda Chavan (the first informant) lodged a report with the allegations that on 29th January, 2018, Smt. Aruna Itai and Smt. Mala Dube, the co-accused, office bearers of Housing Cooperative Society executed a registered Sale Deed in respect of the Plot No.65 owned by her falsely representing that the

accused were the owners of the said plot. The purchaser Mr. Ramesh Dhaigonde came to be impleaded along with the applicant, who is shown to be the Power of Attorney of Smt. Aruna Itai and Jayashree Bhalkikar, the office bearers of Priyanka Nagar Zilla Parishad Mahila Karmachari Sahakari Gruhanirman Sanstha at Soregaon.

4. By an order dated 13th December, 2021, the applicant was granted interim pre-arrest bail.

5. Mr. Kadam, the learned Counsel for the applicant, submitted that the allegations against the applicant are demonstrably untrue. It was submitted that the applicant was in judicial custody in connection with CR No.164 of 2017 registered at Foujdar Chawdy Police Station, Solapur, during that period the offences were allegedly committed. An order passed by this Court in Bail Application No.142 of 2018 dated 12th February, 2018 was pressed into service to show that the applicant was in judicial custody on the date the instrument was allegedly executed.

6. The submissions appear factually impeccable. Even otherwise, it is not the allegation of the first informant that it was the applicant who had executed the conveyance. The co-accused Smt. Aruna Itai and Smt. Mala Dube have been

named as the persons who fraudulently executed the conveyance.

7. In the aforesaid view of the matter, I am persuaded to confirm the order of pre-arrest bail.

8. Hence, the following order:

: O R D E R :

(i) The application stands allowed.

(ii) Interim order of pre-arrest bail dated 13th December, 2021, stands confirmed on the same terms and conditions.

(iii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

[N. J. JAMADAR, J.]