

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 830 OF 2022

Jagannath Sitaram Shinde and Ors.	..Applicants
V/s.	
The State of Maharashtra	..Respondent

Mr. Nitin Gaware Patil a/w. Mr. Narayan G. Rokade for the Applicants.

Mr. R. M. Pethe,, APP for the Respondent / State.

CORAM : C.V. BHADANG, J.

DATE : 29 MARCH 2022

P.C.

1. Leave to correct the name of Applicant No.3 is granted. Necessary amendment to be carried out forthwith.

2. The Applicants, apprehending their arrest, in connection with investigation of Crime No.16/2022 of Police Station Yeola Taluka Police Station, Niphad, Dist. Nashik, under Sections 109, 111, 120B, 419, 420, 463, 465, 466, 467, 468 and 469 of IPC are seeking anticipatory bail.

3. The aforesaid crime is registered on the basis of the complaint dated 18/01/2022 lodged by Raghunath Sitaram Shinde. The allegation is that, the sale deed dated 15 July 1998 purported to be executed by the informant in favour of the Applicant No.2 is executed by impersonation. In short, it is claimed that the said sale deed is executed by some importer claiming to be the informant.

4. I have heard learned counsel for the parties. Perused the F.I.R and order passed by the learned Sessions Judge.

5. It appears that, the sale deed of the year 1998 is sought to be challenged for the first time by filing a complaint in the year 2022. The learned counsel for the Applicant points out that, there are subsequent transfers effected, during this period in the year 1999 and 2010, on the basis of which successive mutation entries are taken in the Record of Rights. It is submitted that such mutation entries are taken by the Revenue Authorities after serving the notice to all the concerned stakeholders and at no point of time any objection was raised nor the cancellation of the sale deed of the year 1998 is sought for till date.

6. Learned Sessions Judge has found that the witnesses on the said sale deed, have filed affidavits that the sale deed of the

year 1998 does not bear their signatures. It is in this context that, learned Sessions Judge has found that the custodial interrogation of the Applicants is necessary. In my considered view, having regard to the fact that the sale deed of the year 1998 is sought to be challenged after a period of 24 years, the custodial interrogation may not be warranted at this stage. The applicants can be directed to join the investigation.

7. In such circumstances following order is passed:

ORDER

i) In the event of their arrest, in connection with the investigation of Crime No.16/2022 of Police Station Yeola Taluka Police Station, Niphad, Dist. Nashik, Applicant No.1 **Jagannath Sitaram Shinde**, Applicant No.2 **Sindhubai Jagannath Shinde** and Applicant No.3 **Appasaheb Sitaram Shinde**, be released on bail on executing a PR Bond in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.

ii) The Applicants shall report to the Investigating Officer on 03.04.2022 and 04.04.2022 between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer.

iii) The Applicants shall furnish copy of the sale deed dated 15.07.1998 and shall also furnish their specimen handwritings/signatures, if required by the Investigating Officer.

iv) The Applicants shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

v) Liberty to the Investigating Officer to apply for modification in the event, there is subsequent material disclosed during the investigation.

vi) The criminal application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)