

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.835 OF 2022

Sharad Murlidhar Javalkar	...Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr.Vikas B. Shivarkar for the Applicant.
Mr.R.M. Pethe, APP for the Respondent-State.
Mr.Niranjan Ranaware, API, Haveli Police Station.

CORAM : C.V. BHADANG, J.

DATE : 30 MARCH 2022

P.C.

. The Applicant, apprehending arrest, in connection with the investigation of Crime No.7 of 2022, registered with Haveli Police Station, Pune under Section 419, 420, 465, 468, 471, 182 read with Section 34 of Indian Penal Code is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint lodged by Sou.Shakuntala Ganesh Shedage on 6 January 2022. The allegation is that the co-accused Subhash Pandit had got executed a Sale Deed dated 1 March 2007 in respect of Gut No.285 belonging to the informant, by impersonation. It appears that the Applicant is subsequent

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purchaser of the said land from Mr.Pandit under registered Sale Deed dated 23 August 2021.

3. Heard learned counsel for the parties. Perused record.

4. The learned counsel for the Applicant has submitted that there is no allegation against the Applicant that he was party to the impersonation in respect of the Sale Deed dated 1 March 2007. It is submitted that the Applicant had no reason to believe that his predecessor Subhash Pandit has got the Sale Deed executed by impersonation. He pointed out that the Sale Deed dated 23 August 2021, it is a genuine Sale Deed and consideration was paid by a bank entry.

5. The learned Additional Public Prosecutor did not dispute that the material allegation of execution of the Sale Deed by impersonation is against Mr.Subhash Pandit in respect of the Sale Deed dated 1 March 2007. He pointed out that there is one Criminal antecedent against the Applicant in Crime No.380 of 2011 under Section 143, 147, 148, 323, 427, 504 and 506 of the Indian Penal Code and Section 4/25 of the Arms Act.

6. I have considered the circumstances and the submissions made. *Prima faice* it can be seen that the material

allegation about the execution of the Sale Deed dated 1 March 2007 by impersonation is against the co-accused. The Applicant is admittedly the purchaser under the Sale Deed dated 21 August 2021. *Prima facie* there is a serious doubt whether the Applicant can be attributed with an intention/knowledge that the Sale Deed executed in the year 2007 i.e. about 14 years prior to his purchase was executed by impersonation.

7. Considering the overall circumstances, the following order is passed.

ORDER

(i) In the event of his arrest in connection with investigation of Crime No.7 of 2022, registered with Haveli Police Station, Pune, the applicant-Sharad Murlidhar Javalkar shall be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) The applicant shall report to the Investigating Officer on 2 and 3 April 2022 between 11.00 am to 1.00 p.m. and as and when called by the investigating officer and shall co-operate with the Investigating Agency.

(iii) The applicant shall produce the Sale Deed and any other record/documents as may be required by the Investigating Officer.

(iv) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.