

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.937 OF 2022

Rafique Ibrahim Mulla

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Jaydeep D. Mane for the Applicant.

Mr.Y.Y. Dabke, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 7 APRIL 2022

P.C.

. The Applicant, apprehending arrest, in connection with the investigation of Crime No.756 of 2021, registered with Sadar Bazar Police Station, Solapur City, under Section 419, 420, 465, 167, 468, 471 and 120-B read with Section 34 of Indian Penal Code, is seeking anticipatory bail.

2. The allegation is that sale deed dated 4 December 2012 executed in favour of the co-accused Baburao Sangepag has been executed by impersonation. It appears that Baburao Sangepag further sold the property to a third party in the year 2013. The prosecution case is that the Sale Deed of the year 2012 executed in favour of Baburao Sangepag is based on forged and fabricated documents.

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3. It is submitted by the learned counsel for the Applicant that the only role of the Applicant is that he had signed as a witness on the Sale Deed of the year 2012. It is submitted that the Applicant is not the beneficiary of the transaction. It is pointed out that the entire dispute is of a civil nature.

4. The learned counsel also pointed out order dated 15 February 2022 passed in Criminal Anticipatory Bail Application No.382 of 2022 by which Baburao Rangappa @ Sangappa Sangepag has been granted interim protection.

5. The learned APP submitted that Baburao Sangepag is the purchaser under the Sale Deed of the year 2012 and therefore his case stands on a different footing.

6. I have considered the circumstances and the submissions made. *Prima facie* it can be seen that the Applicant is not disputing that he has signed the Sale Deed as a witness without knowing the vendor. The whole object and purpose of signing the Sale Deed as a witness, is that the witness knows the vendor. There is no reason for the Applicant to sign the Sale Deed as a witness, without knowing the vendor. The matter requires investigation for which custodial interrogation of the Applicant is warranted. No case for grant of pre arrest bail is made out. The Criminal Application is rejected.

C.V. BHADANG, J.