

BGP

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

ANTICIPATORY BAIL APPLICATION NO.1302 of 2021

Chandrakant @ Vyankatesh Kisan Mekale ..Applicant

Vs

The State of Maharashtra ..Respondent

Mr. Viresh V. Purwant, for the Applicant.

Mr. N. B. Patil, APP for the Respondent/State.

Mr. Padmanand Laxman Changarpallu, HC, Police Station,
Solapur City – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 13th SEPTEMBER, 2022.

P.C.

1. Applicant is seeking pre-arrest bail in Crime No.57 registered with Salgar Vasti Police Station, District Solapur, for the offence punishable under Sections 420, 465, 468, 471 r/w Section 34 of IPC.

2. The allegation is, the applicant got executed a forged Power of Attorney and got the sale-deed executed in his favour in relation to the property which was owned by deceased Gangaram. It is claimed that Gangaram was having another seven legal heirs, out of which the applicant along with Arun have practiced fraud resulting in the aforesaid agreement. The claim is, apart from pendency of suit for setting aside sale-deed and Power of Attorney, the

nature of property is not changed.

3. As against this, learned APP would urge that custodial interrogation is necessary, as based on the Power of Attorney the applicant got executed sale-deed in his favour.

4. It is further brought to my notice that meager consideration of Rs.2,00,000/- claimed to have been received by the complainant.

5. I have appreciated the said submissions.

6. The fact remains that Regular Civil Suit No.111 of 2015 at the behest of complainant is pending adjudication in which the relief of setting aside of irrevocable Power of Attorney, so also the sale-deed is made.

7. In response to Court's query, a specific statement on instructions is made by counsel for applicant that till the aforesaid suit is decided, status and nature of the property shall be maintained as on today i.e. no third party interest shall be created or the property shall be mortgaged.

8. In view of above i.e. pendency of suit way back in 2015, delayed lodging of FIR i.e. after a period of more than six years from the date of initiation of the suit, a case for

confirmation of ad-interim protection is made out.

9. I am informed that applicant has already attended and co-operated in the investigation.

10. In the aforesaid background, ad-interim protection stands confirmed.

11. In the event of arrest, applicant is directed to be released on bail on furnishing PR bond of Rs.25,000/- with one or more sureties in the like amount.

12. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence.

13. The statement made by the applicant that he shall not be creating third party interest in regard to the immovable property which is subject matter of the offence in question and shall maintain the said property as it is, is accepted as an undertaking to this Court, which is one of the condition for his release on pre-arrest bail.

14. The application as such stands disposed of.

(NITIN W. SAMBRE, J.)