

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2482 OF 2021
WITH
INTERIM APPLICATION NO.2554 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO.2482 OF 2021**

Atul Dnyaneshwar Bahirat

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Abad Ponda, senior advocate with Mr. Shailesh Kharat and Mr. Abhishek Umale for the Applicant.

Mr. Nitesh Mohite for the Intervenor.

Ms S.S. Kaushik, APP for Respondent -State.

Mr. Vijay Kumar Shinde, PI, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 25th AUGUST, 2022.

P.C.:-

1. This is an application under Section 438 of Cr.P.C. for pre-arrest bail filed by the Applicant apprehending his arrest in Crime No.424 of 2021 registered with Chatushringi Police Station, Pune (City) for offences punishable under Sections 406, 420, 465, 467, 468 and 471 of the IPC.

2. Heard Mr. Ponda, learned senior counsel for the Applicant and Mr. A.A. Palkar, learned APP for the Respondent -State. Perused

the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The dispute in the present case is between two brothers. It is the case of the Complainant that the Applicant herein has altered Page No.15 of Lease Deed dated 07/06/2014 and has thereby reduced his share in rentals. Internal page 15 of the Lease Deed is signed by the Applicant and the Complainant and Page No.16 is signed by father of the Applicant and Complainant and one Praful Gaikwad, representative of Kotak Mahindra Bank Limited and two other witnesses.

4. Learned APP submits that the report of the handwriting expert relating to authenticity of the signature at page Nos. 15 and 16 of the lease deed is not yet received. Learned APP has placed on record report of the handwriting expert relating to the thumb impression, a perusal of which reveals that the report relating to thumb impression of the Complainant is inconclusive. The report reveals that thumb impression of the father of the Applicant is genuine. The witnesses, who have signed the said Lease Deed have identified their signatures and confirmed the contents of the said Lease Deed. Learned APP submits that the Applicant has co-operated with the investigation and his presence is no longer required for the purpose of

investigation.

5. Under the circumstances, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.424 of 2021 registered with Chatushringi Police Station, Pune (City), the Applicant is ordered to be released on bail on furnishing bail bonds in the sum Rs.25,000/- with one or two sureties in the like amount.
- (ii) The Applicant shall report to the concerned Investigating Officer as and when called for.
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner.
- (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact number(s), and /or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

7. In view of disposal of the anticipatory bail application, interim application does not survive and hence stands disposed of.

8. Learned counsel for the respective parties state that suit for partition is pending between the parties. Considering the relationship between the Applicant and the Complainant, both parties agree that an endeavour can be made to settle the matter amicably. Hence, with consent, Advocate Mr. Sanjeev Kadam, is appointed as a Mediator to assist the parties in arriving at the settlement.

(SMT. ANUJA PRABHUDESSAI, J.)