

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3672 OF 2021

Gaurav Vijay Akade, Age 31 years,
Occ.Business, R/o.Bankar Galli, Shivaji Chowk,
Tal.Niphad, District Nashik.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Kuldeep Patil i/by Mr.S.P.Dighe, Advocate for applicant.
Mr.Rameshwar Gite with Mr.Rohit D. Gorade, Advocate for
complainant.
Ms.PN.Dabholkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th October 2022

PC :

1. The applicant is arrested on 23rd July 2021 in connection with C.R. No.41 of 2018 registered with Pimpalgaon Baswant Police Station for offences under Sections 420, 419, 465, 467, 468, 120B, 34 of Indian Penal Code.
2. Private complaint was filed by Pramod Ramchandra Zankar before the Court of learned Judicial Magistrate, First Class, Pimpalgaon against applicant, Sandip Kisan Gavande and Pratik Sunil Aakde on 10th January 2018 seeking directions u/s.156(3) of Code of Criminal Procedure for the aforesaid offences. It was alleged that deceased Ramchandra Zankar was the father of complainant. He died on 22nd November 1973. He was the owner of house property at Pimpalgaon Baswant bearing Gram Panchayat Property No.135 and building of two floors. The complainant was not residing in the said area. Accused took advantage of the said

situation. Accused executed sale deed of the property of complainant by impersonating to be the father of complainant by forging sale deed etc. The complainant was unaware of the execution of sale deed. Subsequently he learnt that accused no.1 had executed three forged sale deeds out of which police have registered crimes in two cases.

3. Learned JMFC, Pimpalgaon vide order dated 5th March 2018 directed that complaint be sent to police station for investigation u/s.156(3) of Cr.PC and Senior Police Inspector, Police Station Pimpalgaon Baswant was directed to investigate the matter and submit report. Pursuant to the directions, the FIR was registered vide C.R No.I-41 of 2018 for the aforesaid offences.

4. The applicant initially applied for anticipatory bail. Application was rejected. Applicant then surrendered to Police on 23rd July 2021. Investigation is completed and charge sheet is filed.

5. Applicant preferred application for bail before the Court of learned JMFC, Pimpalgaon. The said application was rejected vide order dated 20th September 2021.

6. The applicant then moved application for bail before Sessions Court, at Niphad. The said application was rejected by order dated 22nd October 2021.

7. Learned advocate for applicant submitted that entire matter relates to documents. Investigation is completed. All the documents are seized. Applicant is in custody from 23rd July 2021 i.e. almost for a period of one year and three months. The offences are triable by the Court of Magistrate. Applicant is victim of circumstances. He had parted consideration towards purchase of property. Charge sheet is filed on 7th September 2022. Applicant had settled suit with Sagar Zankar and consent Decree was passed on 31st October 2018.

8. Learned APP submitted that offence is of serious nature. The father of applicant had died in 1973. The fabricated document was executed after death of complainant's father. The applicant is involved in fabrication of documents.

9. Learned advocate for complainant submitted that sale deed is forged. The offence is of serious nature. Several other documents are also forged. The applicant is not entitled for bail. The documents on record indicate that Sarpanch written a letter that he had not issued such a letter.

10. Learned advocate for applicant on instructions submitted that applicant is willing to furnish an undertaking before Trial Court while executing bail bond that applicant shall not have right, title and interest in respect of subject property referred to in the subject sale deed dated 26th May 2017 and that he would revert back the property to the complainant and execute necessary documents. The statement is accepted as an undertaking to this Statement.

11. Investigation is completed. Charge sheet is filed. Case relates to documents. The applicant is in custody for more than one year. The applicant is willing to execute undertaking as stated hereinabove. Considering the aforesaid factual aspects, further detention of applicant is not necessary. Hence bail can be granted.

ORDER

- (i) Bali Application is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with C.R No.41 of 2018 registered with Pimpalgaon Baswant, on executing PR bond in the sum of Rs.50,000/- with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.50,000/- for eight weeks;

- (iv) The applicant shall report Pimpalgaon Baswant Police Station once in a month on every first Saturday between 11 am and 1 pm till further orders;
- (v) The applicant shall furnish an undertaking before the Trial Court while executing bail bond, that applicant shall not claim right, title and interest in respect of subject property referred to in the alleged forged sale deed dated 26th May 2017 and that he would revert back the property to the complainant and execute necessary documents;
- (vi) The applicant shall not tamper with prosecution evidence;
- (vii) The applicant shall attend Trial Court on the dates of hearing, unless exempted by Trial Court for some reason.

(PRAKASH D. NAIK, J.)

MST