IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4441 OF 2021

Sahebrao Genubhau Satpute ... Applicant
versus
The State of Maharashtra ... Respondent

Mr.Vikram Sutaria with Mr.Mithilesh Mishra, Advocate for applicant.
Mr.N.B.Patil, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th October 2022

PC :

1. The applicant is arrested on 1st June 2021 in connection with CR No.367 of 2021 registered with Shikrapur Police Station, Pune for offences under Sections 420, 465, 467, 468, 471, 504, 506, 120-B read with 34 of Indian Penal Code.

2. The case of the prosecution is that Mangaldas Bandal told the informant that he is in need of money. He has transferred two galas situated at Gat No.1104 in complainant's name on his own. The sale deed is false. He has forged the signatures of complainant. He would mortgage galas with bank and obtain loan. The complainant should hand over loan amount to him. After clearing loan the galas be returned to him. Mr.Bandal promised that he would pay installments of loan. Documents were shown to complainant in which his name was appearing as owner. The complainant was taken to bank. Account was opened. Signatures obtained on 10 blank cheques. He obtained loan. Amount was withdrawn from bank account of complainant. Loan was not cleared. On 18th August

2006 complainant was called in office of Sub-Registrar at Talegaon. He was shown no dues letter of bank. The complainant was told to transfer galas in his name The complainant believed Mr.Bandal. He signed document. The applicant then realized that loan is still pending against him. There was power of attorney. It was fabricated. Loan was not repaid. The loan arrears were Rs.Two crores fifty lakhs. The complainant was threatened by accused.

3. One of the beneficiary in the transaction Smt.Rekha Bandal was granted interim protection vide order dated 23rd July 2021 in ABA No.1693 of 2021. Paragraph 7 of the said order indicate that ground for allowing the said application is that the transaction in question had taken place in 2007 and after more than 13 years the allegations have surfaced. Even otherwise, the mortgage deed in question mentions that property belongs to the husband of said applicant. Therefore, except for outstanding dues in the form of taxes, the informant does not seem to have suffered any loss. Though, it is true that his prospect of contesting election was jeopardized because of these dues, all this needs to be investigated and said applicant was granted interim protection. While application was pending with interim protection, said applicant Smt.Rekha Bandal who is the wife of accused Mangaldas Bandal, was arrested on the basis of interim relief and released on bail. The other accused Mohan Jaysing Chikhale had preferred ABA No.2623 of 2021 which was allowed by order date 19th September 2022. The order mentions the fact that said applicant is not shown to be the witness at the time of execution of supplementary power of attorney dated 26th September 2006. The trail of finance was investigated and the said person was not found to be beneficiary.

4. It is submitted that applicant is not named in FIR. It is alleged that applicant had impersonated complainant while registering document. The applicant was arrested. The offence pertains to documentary evidence. Charge sheet is filed. The applicant was also cheated by accused no.1. Applicant's brother has lodged FIR against accused no.1 Mangaldas Bandal.

5. Learned APP submitted that the applicant's involvement is apparent from the documents on record. His photograph shows that he had impersonated the informant.

6. It is pertinent to note that applicant is in custody for more than one year. Investigation is completed. One of the beneficiary in the transaction has been granted anticipatory bail. The case relates to documents. Further detention of applicant is not warranted. The case for grant of bail is made out.

ORDER

(i) Bail Application is allowed and disposed off;

(ii) The applicant is directed to be released on bail in connection with C.R.No.367 of 2021 registered with Shikrapur Police Station, Pune on executing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

(iii) The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for eight weeks;

(iv) The applicant shall report Shikrapur Police Station once in three months on every first Saturday between 11 am and 1 pm till further orders;

(v) The applicant shall not tamper with evidence.

(PRAKASH D. NAIK, J.)

MST