

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

**CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2822 OF 2022**

Shantanu Rohidas Narke And Anr. ...Applicants  
Versus  
State of Maharashtra ...Respondent

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Mr. Rahul S. Kadam, Advocate for the Applicant.  
Ms. P N. Dabholkar, APP for the Respondent – State.  
Mr. A.A. Khatavkar, PSI, Shikrapur Police Station.

**CORAM : PRAKASH D. NAIK, J.**

**DATE : 12<sup>th</sup> OCTOBER, 2022.**

**P.C.**

1. The Applicants are apprehending arrest in C.R. No. 803 of 2022 registered with Shikrapur Police Station for an offence under Section 420, 465, 467, 471 and 120-B of Indian Penal Code (for short 'IPC').

2. The first information report (for short 'FIR') was registered on 31<sup>st</sup> August, 2022 at the instance of Sunil Namdeo Hargude. It is alleged that the complainant owns ancestral property. He has constructed rooms in the said property. The rooms are rented out. Complainant's brother has also constructed rooms which are rented out. The complainant has a son namely Kunal. The rent towards the constructions carried out in land is excepted by the wife and son of complainant. The complainant's son Kunal has filed suit in the Civil Court in relation to the ancestral property. The complainant's

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brother was admitted in hospital for treatment. After discharge from hospital he was at his residence. The father of the complainant died in the house of complainant's younger brother Ganesh. The complainant's brother came to know that complainant's son had executed a sale deed in respect to the ancestral property. They made inquiry in the office of Registrar of Stamp Duty. It was revealed that the complainant's son Kunal had prepared a sale deed in respect to the property owned by complainant's father. The complainant's father was impersonated by some other person for registration of the document. The father of complainant was ill and subsequently died in the house of complainant's brother. The question of appearing before the Sub-registrar for execution of document did not arise. False deed was prepared by the complainant's son. The Applicants had acted as witnesses in the said document.

3. The role attributed to the Applicants is that they have acted as witnesses. They are not beneficiaries to the transactions. Learned APP on instructions from officer present in the Court submitted that the role is attributed to the Applicants is that they have acted as witnesses to the document and their custodial interrogation is not necessary.

4. Considering the aforesaid circumstances, the Applicants need not be subjected to custody and considering their role, pre-arrest bail

can be granted to them.

**ORDER**

- i. Criminal Anticipatory Bail Application no. 2822 of 2022 is allowed.
- ii. In the event of arrest of the Applicants in connection with C.R. No.803 of 2022 registered with Shikrapur Police Station, the Applicants be released on bail on executing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount.
- iii. The Applicants shall report Investigating Officer as an when called for.
- iv. Criminal Anticipatory Bail Application is disposed off.

**[PRAKASH D. NAIK, J.]**