IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4349 OF 2021

Rahul Shivaji Khomane ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr.Rajiv Patil, Senior Advocate i/b Mr.Anil Shtole for the Applicant.
Mr.S.R. Agarkar, APP for the Respondent –State.
Mr.M.K. Palve, API, Baramati City Police Station, Pune Criminal (Rural)

CORAM : C.V. BHADANG, J.

RESERVED ON : 4 JANUARY 2022

PRODUCED ON : 17 JANUARY 2022
(Through Video Conferencing)

P.C.

. By this Application, the Applicant (Accused No.2) is seeking bail. The Applicant along with 5 others has been charge-sheeted for the offence punishable under Section 417,468,471,477 read with Section 34 of the Indian Penal Code arising out of Crime No.644 of 2020 of Baramati Police Station, District-Pune Gramin.

2. The aforesaid offence is registered on the basis of the complaint lodged by Wazid Chotu Bagwan who is a fruit seller. The complaint was lodged on 27 December 2020.

3. According to the prosecution somewhere in 2011 the Applicant met the complainant and the complainant had purchased Sapodilla (Chikoos) worth Rs.12,000/- from the Applicant. After this the Applicant is alleged to have approached the complainant with some blank stamp papers and some written stamp papers and obtained signatures of the complainant. According to the complainant although he can sign he cannot read. He signed the stamp papers on account of the faith on the Applicant. After 5 to 6 months of this, the complainant had purchased mangoes worth Rs.25,000/- from the Applicant on credit and had handed over three blank cheques of Central Bank of India, Baramati Branch. According to the complainant although the sum of Rs.25,000/- was subsequently paid in cash, the Applicant has not returned the said cheques.

4. It is the material prosecution case that in November 2020 the Applicant went to the house of the Complainant and handed over some stamp papers to him in the presence of Mohammed Sharif. The complainant was informed that if the complainant is called for an enquiry from the Anti Corruption Department, Pune, the complainant may give a statement in

accordance with the contents of the agreement on the stamp papers. Subsequently, the Complainant was called by the Anti Corruption Department at Pune, when the complainant learnt that the Applicant had managed to obtain agreements showing that the complainant had purchased various fruits from one Gulab Dina Davade and Sau.Sangeeta Hanumant Nazirkar worth Rs.63,40,000/-, although the complainant had only purchased fruits from the Applicant for approximately Rs.1,25,000/-. It was also reveled that similar agreements were produced before the Anti Corruption Department, to show purchase of various fruits worth Rs.2,90,73,000/- from Aslam Fakir Bagwan and others. In short according to the prosecution in order to help Mr.Hanumant Nazirkar, who was facing an enquiry for disproportionate assets., the Applicant manged to obtain the fabricated agreements showing purchase of fruits for an inflated amount to show that it was the Agricultural income of the family of Mr.Hanumant Nazirkar.

5. On the basis of such a complaint the offence came to be registered and and after investigation charge-sheet is filed.

6. I have learned counsel for the Applicant and the learned Additional Public Prosecutor.

7. *Prima facie* it appears from the statement of Advocate Mr.Gulabrao Gavade who is a Notary Public in whose presence agreement is shown to be executed that initially the Applicant made an attempt to get the agreements notarized in the absence of the executants saying that they are standing outside the office. However, subsequently on the insistence by the Notary Mr.Hanumant Nazirkar his daughter Ms.Gitanjali Nazirkar and Mr.Yunus Bagwan were produced before the Notary, after which the agreements were handed over to Mr.Hanumant Nazirkar.

8. *Prima facie* it appears from the statement of Mr.Gulabrao Gavade that on 10 April 2017 the present Applicant along with co-accused Sachin Khomne and Yunus Bagwan along with three others had gone to the offfice of Mr.Gavade. It is necessary to note that Mr.Sachin Khomne had been granted bail by this Court by order dated 16 November 2021 in BA No3617 of 2021. Ms.Sangita Nazirkar was granted interim anticipatory bail on 5 April 2021.

9. In this case the investigation is complete and the charge-sheet is filed. The evidence is documentary in nature which has already been seized and forms part of the charge-sheet. The Applicant was arrested on 26 April 2021 and since then is in custody.

10. *Prima facie* it appears that according to the prosecution the agreements were produced in defence of Mr.Hanumant Nazirkar who was facing a case for disproportionate assets.

11. Considering the overall circumstances, I find that further detention of the Applicant pending trial, may not be necessary. Hence following order.

ORDER

(i) The applicant be released on bail on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties in the like amount.

(ii) The applicant shall not directly or indirectly make any attempt to contact/influence or threaten or pressurize the complainant or otherwise tamper with the prosecution evidence/witnesses.

C.V. BHADANG, J.