

Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 3116 OF 2021

Nana Laxman Dhanawade & Anr. ...Applicants

Versus

State of Maharashtra ...Respondent

Mr. Bhalchandra S. Shinde, for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 13th July, 2022

ORDER:-

1. This is an application for pre-arrest bail in connection with C. R. No.839 of 2021, registered with Indapur Police Station, District Pune, for the offences punishable under Sections 119, 200, 463, 464, 465, 467, 468, 470, 471, 420 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

2. Mrs. Kaushalya Gholap (the first informant) lodged a report with the allegations that the applicants in pursuance of conspiracy executed a false Deed of Relinquishment and Partition by impersonating the executants and used those instruments as genuine.

3. When the matter was listed before this Court on 23rd

December, 2021, this Court was persuaded to grant interim protection with condition to attend the Police Station.

4. The learned Counsel for the applicants submits that the applicants have reported to the police and cooperated in the investigation.

5. The learned Counsel for the applicant further submits that before lodging the first information report, the first informant and others had instituted a suit in the Court of learned Civil Judge, Junior Division, Indapur, seeking a declaration that the subject property be partitioned by metes and bounds and the Deed of Relinquishment dated 26th August, 2016 and deed of partition dated 21st December, 2018 are false and bogus and that the subsequent instruments executed between defendants are not binding on the plaintiffs.

6. It seems that the dispute is predominantly of Civil nature. Undoubtedly there are allegations that the applicants have created false documents by impersonating holders of property and have also used the false documents as genuine. These are matters essentially for evidence and trial. In the backdrop of the fact that a Civil Suit is also pending, at this juncture, the custodial interrogation of the applicants do

not seem warranted.

7. I am thus persuaded to make the order of interim protection absolute.

8. Hence, the following order:

:ORDER:

- (i) The application stands allowed.
- (ii) The order of interim pre-arrest bail dated 23rd December, 2021, is made absolute on the terms and conditions incorporated therein.
- (iii) The applicants shall cooperate with the investigation and report to the Investigating Officer as and when directed.
- (iv) The applicants shall furnish their specimen hand writing and signature, if directed by the Investigating Officer.
- (v) The applicants shall regularly attend the proceedings before the jurisdictional Court.

[N. J. JAMADAR, J.]