

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3278 OF 2022

Shri. Swapnil Nivruti Kamble ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. V.V. Purwant, for the Applicant.

Ms. M.M. Deshmukh, APP, for the Respondent/State.

Mr. Mukesh Govindrao Gaikwad, PSI, Solapur City Police Station,
present.

CORAM : N.R. BORKAR, J.

DATE : 30.11.2022.

PC. :

This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 484 of 2021 registered at Sadar Bazar Police Station, for the offences punishable under Section 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code.

3. According to the prosecution, the complainant owns the land bearing Gat No.169/1 at Kasbe Solapur. According to the complainant, some portion of the said land was acquired for the road widening. It is alleged that when he went to receive the compensation,

he found that co-accused herein namely Ramu Tipanna Koli had filed objection alleging that the complainant had executed gift deed in his favour. The complainant has alleged that he never executed any gift deed in relation to land in question. According to the prosecution, during the course of investigation it was found that co-accused Appasha Manik Mhetre had prepared the said forged gift deed.

4. The allegations against the present applicant are that the said Appasha Manik Mhetre and another co-accused- Nilkantheshwar Dhamane approached the present applicant, as his brother was Talathi for mutation of name Ramu Koli in 7/12 extract of land in question, on the basis of alleged forged gift deed. According to the prosecution, the applicant demanded Rs. 10 Lakhs from co-accused Appasha Mhetre for doing said work. It is alleged that the co-accused- Appasha Mhetre accordingly paid the amount of Rs. 2.5 Lakh and thereafter the present applicant got the name of the co-accused- Ramu Koli mutated in the 7/12 extract of the land in question.

5. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

6. The only incriminating material against the present applicant is the statement of co-accused – Nilkanteshwar Dhamane, who has stated that the co-accused Appasha Mhetre paid him Rs. 2.5

Lakhs to get the name of Ramu Koli mutated in the 7/12 extract of the land in question.

7. I have perused the statement of said co-accused. It is not clear from the said statement as to whether the amount of Rs. 2.5 Lakh was paid to the applicant or not. No role is attributed to the present applicant in alleged forgery of gift deed. Considering the facts and circumstances, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed:

ORDER

A] Bail Application is allowed.

B] In the event of arrest of the applicant in Crime No. 484 of 2021 registered at Sadar Bazar Police Station, for the offences punishable under Section 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code, he shall be released on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned Police Station from 13/12/2022 to 16/12/2022 and thereafter, as and when called by the Investigating Officer and shall co-operate in the Investigation.

[N.R.BORKAR, J.]