

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1474 OF 2022

**KAMLAKAR RAJARAMPANTH KULKARNI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Mr. R.G. Nirmal, Advocate h/f Mr. S.S. Gangakhedkar, Advocate for
Applicants
Mrs. R.P. Gour, APP for Respondents – State
Mr. H.I. Pathan, Advocate for Respondent No.3
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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 23rd FEBRUARY, 2023

PER COURT :

1. Applicants apprehend arrest in Crime No.388/2022, registered with Hingoli City Police Station, Hingoli, for offence punishable under sections 420, 467, 468, 471 r/w 34 of the Indian Penal Code.
2. FIR is lodged by Tahesin Ahemad Khan Gulam alleging that he was Chairman and Managing Director of Tridhara Shugar Limited, Amdapur, District Parbhani. Applicants are partners of partnership firm namely Sumangal Traders. After acquainting with the informant, applicants entered into agreement to sale of land Gut No.24/1/2, ad-measuring 6H 75R, with the informant on 03/01/2012, for Rs.1,11,00,000/-. Thereafter the said land was mortgaged to Bombay Mercantile Co-operative Bank on

27/08/2012. Applicant No.1 thereafter entered into sale deed of the said land with one Ganesh Dudhgaokar and others on 20/07/2013, by preparing forged 7/12 extract wherein no entry of mortgage deed of Bombay Mercantile Bank was made in the revenue record. Thereafter, the applicants in collusion with each other sold the land in question to Prasanna Badera by sale deed dated 26/02/2021, even though it was reserved land. Son of Prasanna Badera was admitted as new partner in their partnership firm Sumangal Traders. They have thereafter obtained loan of Rs.10 Crores from Rajasthani Bank on promise that applicant No.1 will be made director of that bank. Thus, applicants have made illegal, false and forged documents, so as to obtain monetary gain. Similar cases are also pending for trial against accused under different police stations. The sale deed is executed by applicant No.1 only and not applicant No.2. Applicant No.1 has signed it on behalf of the said firm.

3. Heard learned advocate for applicants, learned advocate for respondent No.3 and learned Additional Public Prosecutor for State. Perused the investigation papers.

4. This is not the first offence registered against applicant No.1. He is involved in following offences:-

Sr. No.	Name	Police Station	Crime
1.	Kamlakar Rajaram Kulkarni	Nanapeth Police Station, Parbhani	Crime No.495/2017, under sections 420, 468, 471, 120B of IPC
2.	Kamlakar Rajarampanth Kulkarni	New Mondha Police Station, Parbhani	Crime No.117/2014, under sections 420, 406, 465, 467, 468, 471 of IPC
3.	Kamlakar Rajaram Kulkarni	Daithana Police Station, Parbhani	Crime No.82/2019, under sections 420, 467,468, 471, 34 of IPC
4.	Kamlakar Rajaram Kulkarni	Mukundwadi Police Station, Aurangabad	Crime No.994/2015, under sections 406, 420, 467, 468, 472, 474, 475, 34 of IPC

5. It appears that applicant No.1 has played active role in the present crime. His custody is necessary for effective investigation. Taking into consideration this aspect coupled with the fact that applicant No.1 has criminal antecedents, he is not entitled for discretionary relief of anticipatory bail. Application of applicant No.1 Kamlakar Rajarampanth Kulkarni is, therefore, rejected.

6. Applicant No.2 is not a signatory to the sale deed executed in favour of Ganesh Dudhgaokar and others. His involvement in the present crime does not appear from the material collected during the investigation. In that view of the matter, he is entitled for protection. Application of applicant No.2 is, therefore, allowed.

7. In the event of arrest of applicant No.2 Moreshwar

Dinkarrao Pathak, in Crime No.388/2022, registered with Hingoli City Police Station, Hingoli, for offence punishable under sections 420, 467, 468, 471 r/w 34 of the Indian Penal Code, applicant No.2 be released on executing Personal Bond of Rs.15,000/- with one surety in the like amount.

8. Till filing of charge-sheet, applicant No.2 shall attend concerned police station as and when called by investigating officer. Applicants shall not tamper prosecution evidence.

9. At this stage, learned advocate for applicants seeks continuation of interim protection granted in favour applicant No.1. In view of the reasons recorded in the order, prayer of applicant No.1 is rejected. Interim protection granted to applicant No.1 stands vacated.

(NITIN B. SURYAWANSHI, J.)