

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

ANTICIPATORY BAIL APPLICATION NO.254 OF 2023

1. Shalivahan Bhagwat Kolekar

2. Vijaya Shalivahan Kolekar

...Applicants

Versus

The State of Maharashtra

...Respondent

...

Mr. Ritesh Thobde for the Applicant.

Mr. Sarang Satish Aradhye for the Intervenor.

Mr. Shrikant Yadav, APP for Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 24th MARCH, 2023.

P. C. :-

1. Learned counsel for the Applicants, under instructions seeks leave to withdraw the application in respect of Applicant No.1. Leave is granted.

2. The application is dismissed as withdrawn in respect of Applicant No.1.

3. Heard Mr. Ritesh Thobde, learned counsel for the Applicant, Mr. Sarang Satish Aradhye, learned counsel for the Intervenor and Mr. Shrikant Yadav, learned APP for Respondent -State.

4. The Applicant No.2 apprehends her arrest in Crime No.770 of 2022 registered with Pandharpur Taluka Police Station, Solapur Gramin, for the offences punishable under Sections 120-B, 406, 420, 465, 467, 468, 471 and 479 r/w. 34 of the IPC.

5. The Applicant No.2-Vijaya Kolekar and others had availed loan of Rs.6,50,000/- from a credit society. An agreement was entered into to repay the loan amount within one year. It is stated that land under Gat No.498/1/1, 498/2/1, 645/2, 498/1/2 and Gat No.494 admeasuring 14 acres 25 Guntha was mortgaged in favour of the credit society. It is stated that the Applicant No.2 and other co-borrowers had failed to repay the loan and hence proceedings were initiated before the District Co-operative Court, Solapur and that the borrowers were restrained from alienating or transferring the property in any manner.

6. The grievance of the first informant is that the borrowers had forged a letter on the letter head of the credit society and had forged no due certificate and that they submitted the forged certificate to the Talathi as well as the Circle Officer. It is alleged that on the basis of the said forged document, entry in the survey record was deleted.

The Applicant No.2 is a woman and a co-borrower. There is no specific role assigned to this Applicant in forging the letter.

7. Considering the above facts and circumstances, in my considered view this would be a fit case to exercise discretion under Section 438 of the Cr.P.C. in favour of the Applicant No.2. Hence, the application is allowed on the following terms and conditions:

- (i) In the event of arrest of the Applicant No.2 in Crime No.770 of 2022 registered with Pandharpur Taluka Police Station, Solapur Gramin, the Applicant No.2 is ordered to be released on bail on furnishing PR bonds in the sum of Rs.20,000/- with one or two sureties to the like amount;
- (ii) The Applicant No.2 shall appear before the Investigating Officer as and when required by the Investigating Officer;
- (iii) The Applicant No.2 shall keep the Investigating Officer informed of her current address and mobile contact numbers, and /or change of

residence or mobile details, if any, from time to time.

8. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)