

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.575 OF 2023

Snehal Ravindra Bansode ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Sachin Deokar, for the Applicant
Smt. Ashwini Takalkar, APP, for the Respondent/State.
Mr. N.A. Gaikwad, PC, Faltan City police station.

CORAM : N. J. JAMADAR, J.

DATE : OCTOBER 11, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 534 of 2022 registered at Faltan police station for the offences punishable under sections 341, 363, 384, 386, 420, 467, 468 and 471 read with 34 of Indian penal Code, 1860 and sections 3 and 25 of the Arms Act, 1959.
3. In the year 2014 the first informant had purchased an agricultural land bearing Gut No.75/1 at Tadvale, Tal. Faltan, Dist. Satara under registered Sale Deed. The first informant, upon inquiry, realized that subsequently the name of the applicant and one Avinash Rite came to be mutated to the record of rights of the said land. Further inquiry revealed that Digambar Aagvane, the

principal accused, in conspiracy with the applicant, Avinash Rite and other co-accused had got false and fabricated Sale Deed registered. The first informant further alleged that principal accused Digambar Agavane thereafter threatened him with the dire consequences, if he raised the issue of fraudulent transfer of the land. Digambar Agavane also threatened the first informant to implicate him in a prosecution for the offences punishable under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. On 6th July, 2021 the first informant was allegedly abducted, assaulted and threatened out of his life by pointing out a revolver and the principal accused Digambar Agavane also attempted to extort an amount of Rs. 50 lakhs. Hence, the report.

4. The learned counsel for the applicant submitted that in respect of the incident which had allegedly occurred in November, 2021, first information report came to be lodged on 23rd November, 2022 after the principal accused was arrested in another case. In any event, according to the learned counsel for the applicant, the applicant has no role in the alleged abduction, assault and extortion. The principal accused Digambar Agavane has since been released on bail.

5. On the previous date, when this Court was informed that the

Division Bench in Writ Petition No. 5004 of 2023 by an order dated 30th March, 2023 has directed the investigating agency not to file charge sheet in the subject crime, interim protection was granted to the applicant.

6. The learned APP informs the Court that the applicant has appeared before the investigating officer.

7. From the nature of the accusations in the first information report, it becomes evident that there are no allegations against the applicant qua the offences punishable under sections 341, 363, 384 and 386 of the Indian Penal Code, 1860 and section 25 of the Arms Act, 1959. The allegations against the applicant revolve around alleged fraudulent transfer of the first informant's land by setting up an impostor.

8. The delay of more than a year in lodging the first information report in the light of the claim of the first informant that he became aware of the said fraudulent transfer when he approached the Revenue Authorities for the Online record of rights, prima facie, impairs prosecution case. In any event, the custodial interrogation of the applicant does not seem to be warranted as the offences alleged qua the applicant, revolve around documents. Thus, in the totality of the circumstances, I am inclined to make the order of interim bail absolute.

9. The order of interim bail dated 20th September, 2023 is made absolute on the terms and conditions incorporated therein.
10. The applicant shall henceforth appear before the investigating officer as and when directed.
11. The application stands disposed.
12. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

(N. J. JAMADAR, J.)