

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 14 OF 2022**

Shubham Govind Pacharane ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Satyavrat Joshi i/b Mr. Nitesh Mohite for the Applicant.

Mr. Ajinkya Badar for the Intervener.

Mr. P.H. Gaikwad Patil, APP for the State.

Mr. Hemant Shendge, PI, Shikrapur Police Station, Present.

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CORAM : N.R. BORKAR, J.

DATED : 13 JANUARY 2023

P.C. :-

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

2. The applicant is apprehending his arrest in Crime No. 665 of 2021 registered at Shikrapur Police Station for the offences punishable under Sections 465, 467, 468, 120-B, 201, 176 read with 34 of the Indian Penal Code.

3. This Court on, 11 January 2022, passed the following order:

“1.Heard the learned counsel for the parties.

2.The Applicant apprehending arrest in Crime No. 665 of2021 registered with Shikhrapur police station, Pune under Section 420, 465, 467, 468, 386, 120B, 201, 176, 504, 506 read with Section 34 of IPC, is seeking anticipatory bail.

3.The learned counsel for the Applicant points out that the Applicant is only a witness on the sale deed and the Applicant has no complicity in the matter.

It is submitted that the Applicant is not a witness on the power of attorney and the Applicant is not in any way concerned with the alleged impersonation of informant, at the time of execution of the sale deed.

4.Insofar as the reliance placed by the prosecution on 7/12 extracts of which copies were exchanged on whats app, it is submitted that those 7/12 extracts are of property belonging to the Applicant and not concerned with the property which is subject matter of the Sale deed which is in question.

5.The learned APP states that although the charge-sheet is filed qua the co-accused, the investigation needs to be done into the role of the present applicant and his complicity in the offence.

6.The learned counsel for the intervenor also submits that there is material to show that the Applicant was actively involved in the matter of the execution of the sale deed by impersonation of the informant.

7.The learned APP states that he will take detailed instructions about the necessity of the custodial interrogation of the Applicant for further investigation and filing of the charge-sheet, if any, under Section 173(8) of Cr.P.C.

8.In such circumstances, stand over to 01.02.2022.

9.Till next date, in the event of his arrest in connection with Crime No. 665 of 2021 registered with Shikhrapur police station, Pune the Applicant be released on bail on execution of PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

10.The Applicant shall attend the Investigating Officer on 17th, 18th and 19th January 2022 between 11.00 a.m. to 1.00p.m. and as and when required.11.Applicant shall co-operate with the investigating agency and shall not tamper with the

prosecution evidence/witness.”

4. I have heard the learned counsel for the applicant, learned APP for the respondent-State and the learned counsel for the intervener.

5. According to the complainant, he was in the need of money. He, therefore, approached to the Accused No. 2 in the present crime. Accused No. 2 agreed to pay him Rs. 10 Lakhs on the condition of execution of mortgage deed in his favor of land bearing No. 934. It is alleged that Accused Nos. 1 and 2 on the pretext of mortgage deed got executed from the complainant and his brother the power of attorney in relation to not only land bearing Gat No. 934 but also of their other land bearing Gat No. 939/2. It is alleged that on the basis of said power of attorney the Accused Nos. 1 and 2 sold the said lands to the co-accused in the present crime. It appears that applicant is a attesting witness on the said sale-deed.

6. In a suit filed by the complainant, the the co-accused in whose favor sale deed was executed have surrendered their rights in the lands in question. The learned counsel for the applicant submits that the complainant thereafter sold lands in question to the third party. Considering the overall facts and circumstances, the interim order passed by this Court dated 11 January 2022 is hereby confirmed. Application is disposed of .

7. Interim Application does not survive and the same is disposed of.

(N.R. BORKAR, J.)