

Versus

State of Maharashtra ... Respondent

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Mr. Shaishav Savla instructed by Mr. Aadesh Konde-Deshmukh for the Applicant.

Mr. Amit Palkar, APP for the State.

Mr. R.V. Bhosle, Poladpur Police Station, present.

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CORAM: N.R. BORKAR, J.

DATED : 10 JANUARY 2023

P.C. :-

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 118 of 2022 registered at Poladpur Police Station, for the offence punishable under Sections 420, 419, 471, 465, 467 r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The complainant owns the land bearing Survey No.50/16 at

Village : Poladpur. The applicant sold the said land to the other co-accused on the basis of power of attorney dated 1 August 2022 purportedly executed by the complainant. According to the complainant, she never executed the power of attorney in favour of the applicant nor she received any amount of consideration. The allegations are of impersonation.

5. The learned Counsel for the applicant submits that, the applicant was not aware that the woman, who executed power of attorney was impostor. It is submitted that nothing is to be recovered from the applicant and therefore, his custodial interrogation is not necessary.

6. I have perused the said power of attorney. According to the applicant, he has paid an amount of Rs.1.48 lakhs through cheque towards consideration for execution of power of attorney in question. However, he has not filed on record his bank statement containing debit entry in respect of the said amount of consideration. There is nothing to show that he has actually paid the said amount of consideration to the said impostor. Considering these facts and circumstances, I am not inclined to grant anticipatory bail to the present applicant. In the result, the following order is passed :

(i) Application is rejected.

(N.R. BORKAR, J.)