

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 449 OF 2023**

1. Bharat Dashrath Patil	
2. Dilip Arjun Patil	...Applicants
Versus	
The State of Maharashtra	...Respondent

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Mr. Nitin Sejpai a/w Mr. Siddharth Gharat for the Applicant.
Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.
DATED : 27 FEBRUARY 2023

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicants came to be arrested in Crime No. 117 of 2022 registered at Khandeshwar Police Station, Mumbai for the offences punishable under Sections 471, 468, 467, 465, 420 r/w 34 of the Indian Penal Code.

3. I have heard the learned counsel for the applicants and the learned APP for the respondent-State and perused the First Information Report.

4. According to the complainant, the present applicants and other co-accused impersonated to be owners of the land owned by his grandfather and executed the sale deed of said land in favour of one Abhijit Patil.

5. The learned counsel for the applicants submits that according to the prosecution out of the sale consideration, the Applicant No. 1- Bharat Dashrath Patil has received Rs. 8,70,000/- and Applicant No. 2- Dilip Arjun Patil has received Rs. 3,25,000/-. The learned counsel for the applicants, on instructions, submits that applicants without prejudice to their rights are willing to deposit the said amount before the trial Court.

6. On the other hand, the learned APP for State submits that considering the nature of offence the applicants may not be released on bail.

7. The allegations of impersonation are against co-accused Raghunath Kadam. Considering overall facts and circumstances of the case and as there are no other criminal antecedents, I am inclined to release the applicants on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The Applicant No. 1- Bharat Dashrath Patil and Applicant No. 2- Dilip Arjun Patil shall be released on bail in Crime No. 117 of 2022 registered at Khandeshwar Police Station, Mumbai for the offences punishable under Sections 471, 468, 467, 465, 420 r/w 34 of the Indian Penal Code on furnishing PR bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.
- (iii) The applicants shall deposit the amount before the trial Court. The trial Court shall not issue release warrant unless the amount is deposited.

(N.R. BORKAR, J.)