



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.426 OF 2023

1. Krushnakant K. Kayasth
 2. Satish K. Kayasth
 3. Uttam B. Kadlag
- ...Applicants
- V/s.
- The State of Maharashtra and anr. ...Respondents.

Mr. Pankaj Das a/w. Mr. Ashwin Pimpale for the Applicants.
Mr. P.H Gaikwad Patil, APP for the Respondent/State.
Mr. Pratik Kalantri for Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 10.04.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicants are apprehending their arrest in Crime No.41 of 2019 registered at Lasalgaon Police Station, Nashik for the offences punishable under Sections 420, 406, 465, 468, 469, 470 and 471 read with 34 of the Indian Penal Code.
3. I have heard the learned counsel appearing for the applicant, the learned APP for the respondent/ State and the learned counsel for respondent No.2.
4. The applicant Nos. 1 & 2 are the brothers of the complainant. There is a dispute between them on account of partition of ancestral property. It is alleged that the applicants and other co-

accused had forged the signature of the complainant and executed sale deed in respect of said ancestral property.

5. It appears that in relation to disputed property, the complainant had filed the civil suit for partition and the same was compromised. It further appears that at the time of hearing of earlier anticipatory bail application filed by the applicants, to which respondent No. 2 was party a statement was made that the parties had settled the dispute and would be filing petition for quashing of First Information Report by consent. It appears that thereafter the parties have in fact filed the petition for quashing. It is however, submitted that now respondent No.2 is not agreeable for the same. Considering the overall facts and circumstances, I am inclined to release the applicants on anticipatory bail. In the result the following order is passed.

ORDER

A) The Application is allowed.

B) In the event of arrest of the applicants in C.R. No. 41 of 2019 registered at Lasalgaon Police Station, Nashik for the offences punishable under Sections 420, 406, 465, 468, 469, 470 and 471 read with 34 of the Indian Penal Code, they shall be released on bail on executing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount.

[N.R.BORKAR, J.]