



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 646 OF 2023
WITH
INTERIM APPLICATION NO. 1144 OF 2023**

Prasad Keshav Etane ...Applicant

Versus

State of Maharashtra and anr. ...Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO. 645 OF 2023
WITH
INTERIM APPLICATION NO. 1140 OF 2023**

1. Harbindersingh Manku
2. Kawaljeetkaur Manku ...Applicants

Versus

The State of Maharashtra ...Respondent

Mr. Nitin Gaware Patil, for the Applicant.
Mr. Shrikant Yadav, APP for the State/Respondent.
Mr. J. S. Kini a/w Mr. K. D. Shinde, for Respondent
No.2/Ori. Complainant.

**CORAM: N. J. JAMADAR, J.
DATED: 13th OCTOBER, 2023**

ORDER:-

1. Heard the learned Counsel for the applicants and the learned APP for the State.

2. These applications are for pre-arrest bail in connection with CR No.147 of 2022, registered with Lonavala City Police Station, for the offences punishable under Sections 419, 420, 423, 465, 467, 468, 469, 47, 474, 323, 329, 330, 331, 352,

385, 386, 387, 388, 403, 404, 447, 448, 449, 450, 451, 503, 504, 506, 201, 149 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3. The indictment against the applicant in ABA/646/2023 is that the applicant had executed a Deed of Conveyance in favour of the co-accused Harbinderrsingh Manku and Kawaljeetkaur Manku on 19th March, 2022 on the basis on a forged and fabricated Power of Attorney by setting an impostor for Smt. Vatsalabai Dhumal, the holder of Plot No.62 CTC No.577 situated at Khandala. The applicants in ABA/645/2023 are the persons in whose favour the said Deed of Conveyance came to be executed.

4. The first informant claimed to have purchased the said land for a valuable consideration from the original holder Smt. Vatsalabai Rajaram Dhumal under registered Sale Deed dated 5th October, 2016.

5. When the matter was listed before the Court by an order dated 6th March, 2023 this Court was persuaded to grant interim protection.

6. There is a prelude to this FIR. Initially in respect of the alleged transactions CR No.8 of 2016 was registered with

Lonavala City Police Station for the offences punishable under Sections 420, 465, 468 and 471 read with Section 34 of the Penal Code. Post investigation 'B' Summary was filed and accepted by the learned Magistrate.

7. On the previous date, the Court was informed that after the instant FIR came to be registered on the strength of the order passed by the learned Magistrate under Section 156(3) of the Code of Criminal Procedure, 1973, the further investigation has been carried out and the Investigating Officer has filed 'B' Summary.

8. Today, a report is tendered. It indicates that the original holder Smt. Vatsalabai Dhumal from whom the first informant claimed to have purchased the subject land in the year 2016, had already passed away in the year 2010. A copy of Death Certificate is annexed to the application, which indicates that Smt. Vatsalabai Rajaram Dhumal passed away on 2nd August, 2010. The Investigating Officer has categorically asserted that further investigation revealed that 'B' Summary was justified, and pursuant to the order passed by this Court the applicants have appeared before the Investigating Officer and the custodial interrogation of the applicants is not warranted.

9. *Prima facie* the material on record indicates that the registered Sale Deed in favour of the applicants in ABA/645/2023 has been executed in the year 2002. There is an allegation that the Sale Deed propounded by the first informant is forged and fabricated. FIR No.87/2021 for the offences punishable under Sections 447, 448, 451, 427, 323, 504, 506, 143, 147, 149 of the Penal Code has been lodged by applicant No.1 Harbinderrsingh Manku, wherein the first informant in the instant matter is arrayed as accused No.1. It further appears that RTS proceedings have been decided against the first informant.

10. In this view of the matter, the application deserves to be allowed.

11. Hence the following order:

: O R D E R :

(i) In the event of arrest of the applicants in CR No.147 of 2022, registered with Lonavala City Police Station, the applicants be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount, each.

- (ii) The applicants shall cooperate with the investigation and report to the Investigating Officer as and when required.
- (iii) The applicants shall regularly attend the proceedings before the jurisdictional Court.
- (iv) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Applications stand disposed.

In view of disposal of ABA/646/2023 and ABA/645/2023, Interim Applications do not survive and stand disposed.

[N. J. JAMADAR, J.]