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

CRIMINAL BAIL APPLICATION NO.814 OF 2023

Suresh Keshavrao Kale	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Pratik Kalantri, for the Applicant.

Mrs. Rutuja Ambekar, APP for Respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JULY 17, 2023

P.C.:

1. This is an application under Section 439 of the Code of Criminal Procedure, 1973 in relation to Crime No.I-184 of 2022 registered with Mumbai Naka Police Station, Nashik for the offences punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860.

2. According to the prosecution, the accused persons in connivance with each other forged documents, such as Aadhaar card, Pan card and Identity card of the informant and impersonating informant sold informant's immovable property to accused No.1 for consideration of Rs.45,00,000/-. Mutation entries were recorded to that effect.

3. Role attributed to the applicant is that the applicant is that he impersonated as S.L. Choudhari and executed sale-deed in

favour of accused No.1.

4. The applicant was arrested on 10th August, 2022. The investigating agency, after completion of investigation, has filed charge-sheet against the applicant and other accused.

5. The applicant applied for bail under Section 439 of the Code of Criminal Procedure, 1973 which is rejected by order dated 5th January, 2023. The applicant, therefore, filed present bail application.

6. According to the learned advocate for the applicant, accused No.4 opened bank account in the name of applicant. Though the applicant was present at the time of registration of forged documents; however according to him, accused Nos.1 and 4 brought him in the office to sign as witness. He is 72 years old. He has no criminal antecedents. Except Rs.1,40,000/- as against consideration of Rs.45,00,000/-, he has not received any other amount. Therefore, he is entitled to bail as he is arrested on 10th August, 2022.

7. Learned APP invited my attention to the execution clause of the sale-deed which shows signature of applicant as S.L. Choudhari while name of applicant is Suresh Keshavrao Kale. The material on record indicates receipt of Rs.1,40,000/- by the applicant from accused No.1 who is ultimate beneficiary. Forged Pan card and Aadhaar card are affixed to the documents, wherein the applicant is shown as S.L. Choudhari instead of Suresh Kale, therefore, the active role of the applicant is apparent.

8. On perusal of the material on record including charge-sheet, prima-facie it appears that the applicant has played active role by signing himself as S.L. Choudhari despite his name being Suresh Keshavrao Kale. Prima-facie the annexure to the registered document indicate photograph of applicant as S.L. Choudhari instead of Suresh K. Kale. Prima-facie amount of Rs.1,40,000/- has been transferred in the account of applicant by accused No.1 who has received property. The material on record indicates receipt of amount of Rs.1,40,000/- by the applicant from accused No.1. Based on aforesaid material at this stage, prima-facie it is clear that the applicant has impersonated as S.L. Choudhari. By signing as S.L. Choudhari and by annexing forged Aadhaar card and Pan card which are in the name of S.L. Choudhari, prima-facie intention of applicant was to make believe that the sale-deed was made and executed by S.L. Choudhari. Therefore, at this stage, the applicant is not entitled to release under Section 439 of the Code of Criminal Procedure, 1973.

9. The application, therefore, stands rejected. No costs.

10. The observations made in the present order are confined to the adjudication of present bail application under Section 439 of the Code of Criminal Procedure, 1973 and the Trial Court shall not influence by the same. The Trial Court shall decide the trial on its own merits uninfluenced by the observations made in the present order.

(AMIT BORKAR, J.)