

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO. 1036 OF 2023

Manoj Ashruba Godbole	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Naveen Chomal, for the Applicant.

Mrs. Rutuja Ambekar, APP for the State-Respondent.

Mrs. Tandale Pratobha, API, Kithrud police station.

CORAM : AMIT BORKAR, J.

DATED : JUNE 23, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.03 of 2023 registered with Kothrud police station, Pune for the offences punishable under Sections 448, 465, 467, 468, 471, 474 r/w. 34 of the Indian Penal Code, 1860 (for short 'IPC'), the applicant has filed present anticipatory bail application seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.).

2. On 3 January 2023, the complainant lodged report against six persons alleging that accused persons in connivance with each other and with knowledge as they are not owners of the immovable property being Survey No.128, Hissa No.2, CTS No.832, situated at Navketan Housing Soccity, Mayur Colony, Kothrud bearing Plot No.12, admeasuring 497.2 square meters, impersonated as real owners and by forging Power of Attorney

prepared forged documents. It alleged that the documents i.e. Power of Attorney and Consent Deed of Manikchand Saroj are forged.

3. It is alleged that the applicant had opened account in the name of “Government Litigation of Mastery” in Bank of Maharashtra by using said account, the crime money was deposited and which was withdrawn by the applicant. The applicant apprehending arrest filed application under Section 438 of Cr. P.C. before learned Sessions Judge, which came to be rejected by order dated 23 February 2023.

4. I have heard learned Counsel for the applicant and learned APP. I have carefully scrutinized the case diary which contains statement of co-accused, the relevant statement of account i.e. “Government Litigation of Mastery” and KYC of one Aditi Gosavi.

5. On overall perusal of the material on record, following circumstances prima facie indicate that applicant’s complicity in the alleged offence:

i) The co-accused Vasaram Chaudhary and Manichchand Saroj have attributed active role to the applicant stating that they entered into the transaction at the instance of applicant and they have paid amount of Rs.1,36,00,000/- jointly.

ii) The account extract produced on record shows transfer of amount of Rs.2 lakhs in the name of applicant from “Government Litigation of Mistry” account which is operated by Aditi Gosavi, the crime amount is deposited in the said account.

iii) According to co-accused Vasaram Chaudhary and

Manikchand Saroj, the applicant shown them property in dispute.

6. Apart from aforesaid circumstances, C.R. No.326 of 2023 has been registered with Bijapur police station, District Solapur wherein allegations of similar nature have been made against the applicant and Aditi Gosavi.

7. On overall perusal of the material on record, prima facie case has been made against the applicant. Considering the seriousness of allegations and antecedents custodial interrogation of the applicant is necessary. Hence, the anticipatory bail application is rejected. No costs.

(AMIT BORKAR, J.)