

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.1526 OF 2023**

Sarika Sunil Jadhavrao ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Sandeep Salunkhe, for the Applicant

Mr. R.M. Pethe, APP, for the Respondent/State.

Mr. N.R. Kakan, PSI, Nigdi police station present.

**CORAM : N. J. JAMADAR, J.**

**DATE : SEPTEMBER 13, 2023**

**P.C.:**

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 830 of 2022 registered at Nigdi police station, Pune for the offences punishable under sections 420, 465, 467, 468, 469, 471 read with 34 of Indian penal Code, 1860 and section 82 of the Registration Act, 1908.

3. By an order dated 8<sup>th</sup> June, 2023 interim protection was granted to the applicant observing, inter alia, as under:-

2] According to the prosecution story, the Sub-registrar, Haveli namely Mukund Jagannath Karande lodged the report alleging that the present applicant and one Shubham Dhanaji Jadhavrao are the developers who have constructed the building having name Ananda Residency, Gat No.10608 at Wagholi, Taluka Haveli, District Pune. They sold constructed units to the various persons. However, the order purportedly passed under section 44 of the Land Revenue Code, 1966 and application certificate were forged.

3] Since the learned Sessions Court rejected the application under section 438 of the Criminal Procedure Code, 1973, present anticipatory bail application is filed.

4] On perusal of the material, at this stage, learned APP states that further investigation to unearth role of the applicant in the offence alleged is necessary. Considering the material on record, subject to further investigation, it appears that the applicant deserves to be protected and the investigating agency be permitted to further investigate role of the applicant.

4. The learned counsel for the applicant submitted that the applicant has cooperated with the investigation and attended the police station. Since the investigation is complete, the aforesaid order of interim bail be made absolute.

5. The learned APP submitted that during the course of investigation, it appears that the applicant was a sleeping partner of Wagheshwar Builders and Developers. However, the persons in whose favour eventually the conveyance were executed are the real victims. The learned APP thus resisted the prayer.

6. Evidently, the investigation is complete. Charge sheet has been lodged. The applicant has cooperated with the investigation while she has been on interim bail. The applicant appears to be a sleeping partner of Wagheshwar Builders and Developers. In any event, the offence revolves around documents. Since investigation is complete for all intent and purpose, further custodial interrogation of the applicant does not seem to be warranted. The

applicant is a woman. The applicant appears to have roots in society. Possibility of fleeing away from justice and tampering with evidence appears to be remote. I am, therefore, impelled to make the order of interim bail absolute.

Hence, the following order.

### **ORDER**

- 1] Application stands allowed.
- 2] The order of interim bail dated 8<sup>th</sup> June, 2023 is made absolute on the terms and conditions incorporated therein.
- 3] The applicant shall regularly attend the proceedings before the jurisdictional Court.
- 4] It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

**(N. J. JAMADAR, J.)**