

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1674 OF 2023

Seema Rajendra Shelar ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. A.V. Konde-Deshmukh a/w. Mr. Rohin Chauhan, for the Applicant
Smt. Ashwini Takalkar, APP, for the Respondent/State.
Mr. A.P. Lohar, API, Wakad police station.

CORAM : N. J. JAMADAR, J.
DATE : NOVEMBER 28, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. By an order dated 20th June, 2023 this Court had granted interim protection observing, inter alia, as under:-

4] On perusal of the material on record and case papers produced by the investigating officer, it appears prima facie that no registered document has been executed by the applicant in favour of third parties. The documents on record are notarized document. Section 17-B of the Registration Act mandates a document evidencing creation of new right, title or interest only by a registered instrument. Even a document containing delivery of possession needs to be stamped under Article 25 of the Bombay Stamp Act. In absence of such documents, no right, title or interest could have been transferred by the applicant, with the result rights of owners of the property allegedly sold by the applicant are not affected. The applicant has, therefore, made out a prima facie case for grant of relief.

3. The Court is informed that the applicant has appeared before the investigating officer and cooperated with the investigation.

4. For the reasons which weighed with the Court in granting interim protection and the fact that the offences revolve around the documents, further custodial interrogation of the applicant does not seem to be warranted. The applicant also appears to have roots in society. Possibility of fleeing away from justice and tampering with the evidence appears to be remote. I am, therefore, inclined to make the order of interim bail dated 20th June, 2023 absolute on the terms and conditions incorporated therein.

5. The order of interim bail dated 20th June, 2023 is made absolute on the terms and conditions incorporated therein.

6. In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.

7. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)