

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

ANTICIPATORY BAIL APPLICATION NO. 1906 OF 2023

Devidas Bhagwan Gophane

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Sachin Kumar Rajepandhare for the Applicant.
Mr. S.V.Gavand , APP for the State.

Mr.Rishikesh Mohite i/b. Vishal Waghela for the Applicant.
Mr. S.V.Gavand, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 26th JUNE, 2023.**

P.C.

1. The Applicant apprehends arrest in C.R.No.277 of 2023 registered with City Police Station, Pandharpur, District-Solapur, for offences under Section 420, 465, 467, 468, 471, 472, 473 r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by

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Anil Sudhakar Rao Chate, the Assistant Sub Registrar, Class II, Pandharpur. The facts narrated in the FIR prima facie reveal that the co-accused Audumbar Raste had produced a copy of the sale deed registered under registration number 52/1977 in respect of CTS No. 4075/1/A/1 (Plot Nos. 34 and 35) and that he had got the property mutated in his name, on the basis of the said sale deed.

4. The records reveal that the sale deed under Registration No. 52/1977 was executed between Bhiku Vithoba Avsekar as purchaser and Shamkant Patwardhan as Vendor. It is alleged that said Audumbar Sadashiv Raste fabricated the documents wherein his name was shown as purchaser and Pandharpur Municipal Corporation was shown as the vendor of the property, Plot Nos. 34 and 35, CTS No. 4075/1/A/1 of village Pandharpur. He has got his name recorded in the survey records on the basis of said forged sale deed. The material on record prima facie indicates that said Audumbar Raste was involved in fabricating the sale deed and that he has been arrested and is presently in custody.

5. The only allegation against this Applicant is the statement of the co-accused Audumbar Raste, that this Applicant had assisted him in forging the said documents. It is also stated that this applicant was outside the Corporation Office on the date the matter was heard before the Council. The aforesaid material would not prima facie show the

involvement of the Applicant in commission of the said crime. Considering the nature of the accusation as against this Applicant, and the material in support thereof, this is not a case which would justify custodial interrogation. Hence, in my considered view, this is a fit case to exercise discretion under Section 438 of Cr.P.C. Hence the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.277 of 2023 registered with City Police Station, Pandharpur, District-Solapur, the Applicants be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount;
- (ii) The Applicant shall report to the Investigating Officer for two days on 13th and 14th July, 2023, between 11.00 a.m. to 2.00 p.m. and further as and when required by the Investigating Officer for the purpose of investigation.
- (iii) The Applicant shall keep the Investigating Officer informed of their current address, mobile/contact details, and/or change of residence or mobile/contact details from time to time.
- (iv) The Applicant shall not interfere with the Complainant and the

other witnesses, or tamper with the evidence in any manner.

- . **Applications stand disposed of.**

(ANUJA PRABHUDESSAI, J.)