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

ANTICIPATORY BAIL APPLICATION NO.2016 OF 2023

Ashok Chandrakant Khatape And Anr ... Applicants

V/s.

The State of Maharashtra ... Respondent

Mr. Satyavrat Joshi i/by Mr. Shubham Mhatre, for the Applicants.

Mr. Pandurang H. Gaikwad, APP for Respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JULY 19, 2023

P.C.:

1. Apprehending arrest in connection with Crime No.73 of 2023 registered with Sahakarnagar Police Station, District Pune for the offences punishable under Sections 109, 416 and 420 of the Indian Penal Code, 1860 the applicants are seeking relief under Section 438 of the Criminal Procedure Code, 1973.

2. According to the prosecution, the applicants along with other persons had executed a registered sale-deed in the year 2001 to sale immovable property in favour of one Mr. G.L. Jain from Vyankateshwara Research and Breeding Pharm Limited. It is alleged that the applicants impersonated the signature of informant by getting signature of sister of one Daji Ashok Khapte. According to the informant, undivided share of informant in the property was sold without informant's consent.

3. The learned APP strongly opposed to grant relief on the ground that the investigation is at initial stage. The applicants complicity appears from the material on record.

4. On perusal of the papers and a copy of registered sale-deed, it appears that the document in question is registered sale-deed executed on 7th September, 2001. The sale-deed is executed by ten persons. According to the informant, her signature on the sale-deed is forged.

5. Since, the document is duly registered, it carries presumption of execution of document as regards identity of persons. In absence of credible material, at this stage, the custodial interrogation of the applicants are not necessary. The purchaser is put in possession and exercising his ownership rights for last 20 years. Hence, the applicants are entitled to relief under Section 438 of the Code of Criminal Procedure, 1973. Hence, following order:

i) In the event of arrest of the applicants in connection with Crime No.73 of 2023 registered with Sahakarnagar Police Station, District Pune for the offences punishable under Sections 109, 416 and 420 of the Indian Penal Code, 1860 be released on bail on furnishing P.R. Bond in the amount of Rs.25,000/- with one or two sureties in the like amount;

ii) The applicants shall remain present before the investigating officer on 21st, 24th and 26th July, 2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when

called by the concerned investigating officer;

iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

iv) The applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

v) The applicants shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

6. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)