



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.2472 OF 2023**

Sachin Prabhakar Gole & Anr. ... Applicants  
versus  
The State of Maharashtra ... Respondent

Mr. Satyavrat Joshi i/by Ms. Shivani S. Kondekar, for Applicants.  
Smt. Ashwini Takalkar, APP for State.  
Mr. Y.R.Bansod, ASI Lonavala Gramin Police Station present.

**CORAM: N.J.JAMADAR, J.  
DATE : 17 OCTOBER 2023**

**P.C.**

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.188 of 2022 registered with Lonavala Gramin Police Station for the offences punishable under Sections 419, 420, 476, 468, 471 read with Section 34 of the Indian Penal Code.
3. The first informant lodged a report with the allegations that his father Fardoon Phiroz Sonawalla had passed away on 24 July 2012. Yet by setting up an imposter, the co-accused Umesh Sharad Dalvi got a forged and fabricated special Power of Attorney executed and registered in his favour on 29 November 2014 and on the strength of the said power of attorney executed a Sale Deed in respect fo the land situated at Survey No.62, Hissa No.2 admeasuring 1H 93R in favour of the applicants herein. It is alleged that the applicants were also privy to the fraud.
4. The learned Counsel for the Applicants submitted that the applicants

had purchased the said land bonafide for a valuable consideration. In fact, a part of consideration was credited to the account of the first informant. The applicants were unaware of the alleged forgery and fraud committed by Accused No.1 Umesh Sharad Dalvi, who has passed away. After the applicants became aware of the said fraud, the applicants have given up their claim over the subject land and in the Written Statement filed in the Suit instituted by the first informant for a declaration that the special power of attorney and the Sale deed in question are null and void, the applicants have categorically contended in the Written Statement that they have no objection to cancel the said instruments and grant a declaration, as prayed for, by the first informant.

5. The learned APP submitted that the witness to the instruments Mr. Mohan B. Dalvi is a habitual offender. The applicants were aware that the sale deed has been executed by an imposter and yet to have a wrongful gain, got the sale deed executed and registered in their favour for an inadequate consideration.

6. Prima facie, it appears that the sale deed in favour of the applicants came to be executed on the basis of a registered special power of attorney. At this stage, there does not appear material to show that the applicants were also privy to the fraud in the execution of the special power of attorney in favour of Accused No.1 Umesh Sharad Dalvi, in the year 2014. The investigation seems to be complete as the chargesheet has been lodged. Moreover, since the applicants have given up their claim

and submitted to a decree in the civil suit instituted by the first informant, prima facie, it does not appear that the intention of the applicants was dishonest. I am, therefore, inclined to exercise the discretion in favour of the applicants.

7. Hence, the following order :

**ORDER**

(i) In the event of the arrest of the Applicants – Sachin Prabhakar Gole and Sunil Ramchandra Balkawade in connection with C.R.No.188 of 2022 registered with Lonavala Gramin Police Station, they be released on bail on furnishing a PR bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.

(ii) The Applicants shall co-operate with the investigation and report to Lonavala Gramin Police Station as and when directed by the Investigating Officer.

(iii) The Applicants shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The Applicants shall regularly attend the proceedings before the jurisdictional Court.

(v) The applicants shall produce the original Sale Deed, if in their custody, before the Investigating Officer.

(vi) The Application stands disposed.

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