

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2883 OF 2022**

WITH

INTERIM APPLICATION NO. 3540 OF 2022

Vijay Bhausahab Ghawate

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Manoj Mohite, Senior Advocate i/b Mr. Suhas Rohile and Mr. Sharad Bhoite for the Applicant.

Mr. Mihir Desai a/w Mr. Aniket Nikam a/w Mr. Piyush Toshnival a/w Mr. Aashish Satpute for the Intervener.

Mr. P.H. Gaikwad Patil, APP for the State.

Mr. Hemant Shendge, PI, Shikrapur Police Station, Present.

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CORAM : N.R. BORKAR, J.

DATED : 13 JANUARY 2023

P.C. :-

This is an application under Section 439 of the Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 665 of 2021 registered at Shikrapur Police Station for the offences punishable under Sections 465, 467, 468, 120-B, 201, 176 read with 34 of the Indian Penal Code.

3. I have heard the learned senior counsel for the applicant, the learned APP for the respondent-State and the learned senior counsel for the intervener.

4. According to the complainant, he was in the need of money. He, therefore, approached to the Accused No. 2 in the present crime. Accused

No. 2 agreed to pay him Rs. 10 Lakhs on the condition of execution of mortgage deed in his favor of land bearing No. 934. It is alleged that Accused Nos. 1 and 2 on the pretext of mortgage deed got executed from the complainant and his brother the power of attorney in relation to not only land bearing Gat No. 934 but also of their other land bearing Gat No. 939/2. It is alleged that on the basis of said power of attorney the Accused Nos. 1 and 2 sold the said lands to the present applicant.

5. The present applicant is in jail for more than one year. In a suit filed by the complainant, the present applicant has surrendered his rights in the lands in question. The learned counsel for the applicant submits that the complainant thereafter sold lands in question to the third party. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 665 of 2021 registered at Shikrapur Police Station for the offences punishable under Sections 465, 467, 468, 120-B, 201, 176 read with 34 of the Indian Penal Code on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not enter into the limits of Shirur Taluka till conclusion of trial except to attend the date before the trial Court.

5. Interim Application does not survive and the same is disposed of.

(N.R. BORKAR, J.)