

Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2707 OF 2023

Namdeo Maruti Kale	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Prasanna K. Shahane with Mr. Akshay S. Bavare, for
Applicant.

Mrs. Ashwini A. Takalkar, APP for State.

Mr. Ratik M. Shaikh, HC, Lonawala Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 27th SEPTEMBER, 2023

P.C.:-

- 1) Heard the learned counsel for the applicant and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with C.R. No. 198 of 2023, registered with Lonawala Police Station, Pune Rural, for the offences punishable under Sections 420, 467, 468, 471, 504 and 506 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3) The indictment against the applicant is that the applicant had induced the first informant to part with a sum of Rs.5,70,000/- by making a false representation that he would sell the land admeasuring 11 gunthas out of Gat No.49/13, situated at Mauje Bramhnoli, Tal. Maval, Dist. Pune. The applicant had allegedly shown instruments which were forged. Subsequently, the applicant restrained the first informant and his employees from carrying out construction at the said premises. Hence, the report.

4) The learned Counsel for the applicant invited the attention of the Court to an order dated 3rd August, 2023, whereby this Court had granted pre-arrest bail to the son of the applicant Dnyaneshwar – co-accused. In the said order, this Court had noted that the allegations of cheating were primarily against the applicant.

5) I have carefully perused the allegations in the FIR. The alleged transaction was done in the year 2013. The instrument which the applicant had allegedly executed appears to be a leave and license agreement for 33 months from the date of its execution i.e. 10th December, 2013. The power of attorney also seemed to have been executed in favour of the informant and his son Hrishi on 10th December, 2013.

6) Evidently, the very nature of the transaction is a matter for adjudication. The FIR seems to have been lodged as a dispute arose over the possessory title over the subject land. In any event, the offences revolve around construction of the documents.

7) I am, therefore, inclined to exercise the discretion in favour of the applicant.

8) Hence, the following order:-

ORDER

I) In the event of arrest of the applicant in connection with C.R. No. 198 of 2023, registered with Lonawala Police Station, Pune Rural, for the offences punishable under Sections 420, 467, 468, 471, 504 and 506 read with Section 34 of Indian Penal Code, 1860, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

II) The applicant shall co-operate with the investigation and attend Lonawala Police Station, Pune Rural on every Saturday in between 10.00 am to 1.00 pm for a period of two months or till filing charge-sheet, whichever is earlier.

III) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.

IV) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

V) The application stands disposed.

[N. J. JAMADAR, J.]