



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

ANTICIPATORY BAIL APPLICATION NO.3496 OF 2022

Sunil Namdev Hargude and Anr.	...	Applicants
versus		
State of Maharashtra	...	Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2821 OF 2022**

Kunal Sunil Hargude	...	Applicant
versus		
State Of Maharashtra	...	Respondent

**WITH
INTERIM APPLICATION NO.3722 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.2821 OF 2022**

Sunil Namdev Hargude	...	Applicant
and		
Kunal Sunil Hargude	...	Applicant
versus		
State Of Maharashtra	...	Respondent

Mr. Samay Pawar i/by Mr. Ashish S. Vernekar, for Applicants in ABA 3496 of 2022.
Mr. Rahul S. Kadam, for Applicant in ABA 2821 of 2022.
Mr. M.G.Patil, APP for State.
Mr. Amol Anil Khatavkar, PSI Shikrapur Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 9 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.

ANTICIPATORY BAIL APPLICATION NO.2821 OF 2021

2. This is an application for pre-arrest bail in connection with C.R.No.803 of 2022 registered with Shikrapur Police Station for the offences punishable under Sections 120-B, 420, 465, 467, 471 of IPC.

3. The Applicant Kunal is the son of Applicant No.1 Sunil in ABA No.3496 of 2022. Applicant No.2 Ganesh is the brother of Applicant No.1 Sunil and uncle of Kunal.

4. The first informant Sunil had lodged a report against Kunal with the allegations that his relations with his wife Dwarka have been strained. Dwarka and Kunal are residing separately. Disputes arose over the ancestral properties. A civil suit is instituted by Kunal in the Court at Shirur. Namdev, the father of Sunil and Ganesh and grand-father of Kunal was bed-ridden. Namdev passed away on 14 April 2022.

5. The first informant alleged that after the death of Namdev, it transpired that the applicant had obtained a Power of Attorney and Agreement for sale by setting up an imposter. On the basis of the said forged documents, the applicant also got executed the sale deed in his name. After realizing the fraud, the first informant lodged the report.

ANTICIPATORY BAIL APPLICATION NO.3496 OF 2022

6. This is an application for pre-arrest bail in connection with C.R.No.1004 of

2022 registered with Shikrapur Police Station for the offences punishable under Sections 324, 341, 504, 506 read with Section 34 of IPC and Section 3 read with Section 25 of the Arms Act, 1959. Subsequently, Section 307 of the IPC came to be added.

7. Kunal lodged a report with the allegations that on 9 November 2022 while he was passing from behind John Dear Factory on Talegaon Dhamdhere to Sanaswadi Road, a car intercepted him. Three persons alighted from the said car and they boarded the first informant's car. One of those persons was armed with a knife like sharp weapon. The first informant was assaulted on his right hand. One of the assailants pointed a pistol at the neck of the first informant and threatened to shoot him if he did not return the lands to his father and uncle. The assailants declared that they were sent by the applicants – Sunil and Ganesh.

8. Initially this Court has granted interim protection in both the matters.

9. The learned Counsel for the Applicant in ABA 2821 of 2022 submits that the applicants have amicably resolved the disputes and the applicant – Kunal has filed an application for quashing of the prosecution.

10. The learned Counsel for the Applicants in ABA 3496 of 2022 also submits that in view of the settlement, those applicants are also in the process of filing an application for quashing the prosecution.

11. Evidently, the genesis of the offences is in the dispute between the father

and son over the ancestral properties. It appears that a suit was instituted by the applicant – Kunal during the lifetime of his grand-father. The allegations of forgery and using the forged documents for the purpose of cheating revolve around documents. At this length of time, the custodial interrogation of the applicants does not seem to be warranted. I am, therefore, inclined to exercise discretion in favour of the applicants.

12. Hence, the following order :

ORDER

ABA NO.2821 OF 2022

(i) In the event of the arrest of the Applicant – Kunal Sunil Hargude in connection with C.R.No.803 of 2022 registered with Shikrapur Police Station, the Applicant be released on bail on furnishing 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 report to Shikrapur Police Station on 16th, 17th and 18 October 2023 in between 10.00 a.m. to 1.00 p.m.

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

(iv) The Applicant shall produce all the original documents which are in his

custody before the Investigating Officer.

(v) The Applicant shall also submit his specimen handwriting and signature to the Investigating Officer.

(vi) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

ABA NO.3496 OF 2022

(vii) In the event of the arrest of the applicants – Sunil Namdev Hargude and Ganesh Namdev Hargude in connection with C.R.No.1004 of 2022 registered with Shikrapur 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.

(viii) The Applicants shall co-operate with the investigation and report to Shikrapur Police Station on 19th, 20th and 21st October 2023 in between 10.00 a.m. to 1.00 p.m.

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

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

(xi) The applications stand disposed.

(xii) The Interim application also stands disposed.

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

(N.J.JAMADAR, J.)