

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

ANTICIPATORY BAIL APPLICATION NO. 801 OF 2024

Shrikant Nagnath More

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Abhaykumar Apte for Applicant.

Ms. Pallavi N. Dabholkar, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 28 MARCH 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.675 of 2023 registered at Sadar Bazar Police Station, Solapur city, on 12.10.2023, under Sections 417, 420, 465, 467, 468 and 471 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Abhaykumar Apte, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. The F.I.R. is lodged by one Dattatraya More. He has stated that, he along with his brothers Shahaji and Ashok were owning a land at village Bibi Darphal, at Gat No.573/2,

admeasuring 2 Hectors 70 R. The informant's brother Shahaji was missing. In the year 2003, some imposters stood in place of the informant and his brother Shahaji. The accused colluded with the informant's other brother Ashok and executed a sale deed and registered it on 03.07.2003 in favour of one Maruti Pawar; causing serious loss to the informant. The informant has stated that, his brother Ashok had passed way in the year 2006. Shahaji was missing since 1992. The informant himself was visiting Solapur some times, but he was working in Pune. After 2020, he decided to go back to Solapur and to cultivate his land. At that time, he came to know about this fraudulent transaction. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the informant's younger brother Ashok was a party to that agreement. The applicant has merely identified the informant's brother Ashok and his other brother Shahaji. He was not the beneficiary under that agreement. He submitted that, there is delay in lodging the F.I.R. He further submitted that the co-accused Sunil Gaikwad who is similarly placed was granted regular bail by the trial Court.

Therefore, in this background, the custodial interrogation of the applicant is not necessary.

5. Learned APP opposed these submissions. She relied on the submissions in the F.I.R. and on the copy of the registered sale deed which is annexed to this application.

6. I have considered these submissions. Though, this document is from the year 2003, the informant has explained that he was working in Pune and only when he came back to Solapur to cultivate his land, he came to know that there is some distillery plant in his land. At that time, he made enquiries and he found about this fraudulent execution of the document. The informant has categorically stated in his F.I.R. that, he was not present at the time of execution and registration of the sale deed dated 03.07.2003. His signatures and thumb impressions on that document are forged. He is particularly identified by the present applicant. Therefore, it is quite obvious that the applicant has wrongly identified an impostor in place of a genuine owner i.e. the first informant. The applicant's complicity in the offence is clearly

made out. The co-accused is granted regular bail and not anticipatory bail, therefore, parity does not apply to him. In this view of the matter, custodial interrogation of the applicant is necessary. The offence is serious. There is definite material against the present applicant. He cannot be protected U/s.438 of the Cr.p.c.

7. The application is rejected.

(SARANG V. KOTWAL, J.)