

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

SANTOSH
SUBHASH
KULKARNI

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ANTICIPATORY BAIL APPLICATION NO. 3616 OF 2023

Mahesh Bhagwan Bansode ...Applicant
Versus
The State of Maharashtra ...Respondent

Ms. Tanvi Tapkire, for the Applicant.
Ms. Mahalaxmi Ganapathy, APP for the State.

CORAM: N. J. JAMADAR, J.
DATED: 16th JULY, 2024

PC:-

1. Heard the learned Counsel for the parties.
2. By an order dated 22nd December, 2023, this Court had granted interim bail.
3. This Court had recorded, *inter alia*, as under:
 - “4. The learned Counsel for the applicant submits that the applicant had known the purchasers and had identified the purchasers only. He had not known the vendor and, therefore, the allegation that despite having known the real owner of the property, the applicant had identified the executants are incorrect.
 5. The learned Counsel for the applicant further submitted that the applicant is suffering from Cancer. Attention of the Court was invited to the certificates (Exhibit-C Coll.), which indicate that the applicant is suffering from Cancer.
 6. The learned APP seeks time to take instructions as the Investigating Officer is not present.
 7. I have perused the allegedly forged instrument. Though the identifying witnesses do not seem to have distinctly identified the purchasers and the vendor, the

aspect as to whether the applicant had identified the vendor as well or was otherwise privy to the offences warrants consideration. Since the applicant is stated to be suffering from Cancer and surgery is proposed after 15 days, I am inclined to grant interim protection.”

4. The learned APP, on instructions, fairly submits that the applicant is still suffering from Cancer and the Investigating Officer may not require the custodial interrogation of the applicant.

5. In view of the aforesaid statement, the order of interim bail is made absolute on the terms and conditions incorporated therein.

6. Hence, the following order:

: O R D E R :

- (i) Interim bail order dated 22nd December, 2023, is made absolute on the terms and conditions incorporated therein.
- (ii) The applicant shall appear before the Investigating Officer as and when directed.

Application disposed.

[N. J. JAMADAR, J.]