

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

ANTICIPATORY BAIL APPLICATION NO. 3429 OF 2024

Tukaram Krishna Pawane

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Laxman Kalel, for Applicant.
- Mr. Kiran C. Shinde, APP for Respondent.
- Mr. N.S. Raskab, Police Naik, Dahiwadi Police Station, present.

CORAM : MANISH PITALE, J.

DATE : 17th DECEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicant and the learned APP for respondent – State.

2. The applicant is apprehending arrest in connection with First Information Report No.0233 of 2024, dated 24th May, 2024, registered at Police Station Dahiwadi District Satara, for offences under Sections 420, 465, 467, 468 and 471 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The informant has stated that an unknown lady impersonated her and part of land belonging to her was sold on the basis of a sale deed executed on 04th September, 2010. The allegation against the applicant is that he signed as one of the witnesses to the registered sale deed.

4. The learned counsel for the applicant submits that the FIR is

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SHRINIVAS
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delayed and that the applicant merely signed as a witness and there is nothing to show that he was a beneficiary under the transaction.

5. The learned APP submits that co-accused persons are absconding and the investigation has revealed that the applicant had signed as one of the witnesses to a document where the vendor was an unknown lady, who impersonated the informant, thereby showing the seriousness of the offences.

6. This Court is of the opinion that while the application can be kept pending, interim relief deserves to be granted in favour of the applicant, for the following reasons:

- (i) Even according to the informant, it was in the year 2016 that she became aware about the aforesaid impersonation and execution of the fraudulent sale deed dated 04th September, 2010. Yet, the FIR has been registered after more than 8 years on 24th May, 2024. *Prima facie*, the FIR appears to be delayed.
- (ii) The order of the Sessions Court records that a suit bearing Special Civil Suit No.25 of 2018 was filed in respect of the said document and that the said suit was dismissed in default on 26th September, 2023. *Prima facie*, it appears that when the civil proceedings ended in failure, criminal

process was triggered by registration of the subject FIR.

- (iii) The role of the applicant at the highest is stated to be that of a witness who signed the said document. *Prima facie*, there does not appear to be any material on record to show that the applicant can be said to be a major beneficiary under the said document.

7. In view of the above, there shall be interim order in the following terms:

- (A) Till the next date, in the event the applicant is arrested in connection with FIR No.0233 of 2024, dated 24th May, 2024, registered at Police Station Dahiwadi District Satara, he shall be released on bail on furnishing PR Bond of ₹25,000/-with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall remain present before the Investigating Officer on 19th December, 2024, between 10:00 a.m. and 12 noon and thereafter as and when required by the Investigating Officer.
- (C) The applicant shall co-operate with the investigation.
- (D) The applicant shall not influence the informant, witness or any person concerned with the case and he shall not

tamper with the evidence.

10. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

11. List for further consideration on 20th January, 2025, “High on Board.”

(MANISH PITALE, J.)