



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.65 OF 2024**

Bhalchandra Chintaman Deo	...	Applicant
versus		
State of Maharashtra	...	Respondent

Mr. Piyush Toshniwal i/by Mr. Ashish P. Pawar, for Applicant.
Mr. S.R.Aagarkar, APP for State.
Mr. Jitesh Shingote, API, EOW, Pimpri Chinchwad present.

CORAM: N.J.JAMADAR, J.

DATE : 18 JANUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.680 of 2019 registered with Wakad Police Station for the offences punishable under Sections 406, 420, 120B, 467, 468 read with Section 34 of the Indian Penal Code.
3. At the outset, learned Counsel for the applicant submits that the co-accused Rajiv Bhale, who is alleged to be the principal accused, has been released on bail by this Court by an order dated 31 October 2023. Other Co-accused Ishawar Punjabi and Anjali S. Nivsarkar were also released on bail by the said order.
4. While releasing the co-accused on bail, this Court had noted that the indictment against the accused was that the suit properties initially belonged to the family of the applicant. The said properties were acquired under an award dated 23

September 1986. During the pendency of the award, it is alleged, the applicant and his family members entered into an agreement with Suhas Gosavi, the co-accused, conveying their interest in the subject properties. The substance of the accusation is that after the notification came to be issued under Section 4 of the Land Acquisition Act, 1894 the applicant and his family members could not have executed any instrument in favour of Suhas Gosavi.

5. Learned Counsel for the Applicant submitted that the FIR indicates that the alleged offences were committed during the period 1 April 2001 to 31 March 2013. Ishaan and Ankita Co-operative Housing Societies and its members were defrauded to the tune of Rs.43,26,32,570/-, during the said period. The instrument in question was allegedly executed in favour of Suhas Gosavi by the applicant in the year 1995. Therefore, no criminality can be attributed to the applicant.

6. Learned APP resisted the application for bail. However, learned APP fairly submitted that the investigation is complete and the chargesheet has been lodged.

7. Having regard to the nature of the accusation and the role attributed to the applicant, custodial interrogation of the applicant does not seem to be necessary to facilitate further investigation. The applicant claims to be 67 years of age. Co-accused who allegedly defrauded the societies and their members, have been released on bail. The allegations of forgery and use of the forged documents as genuine, prima facie, do

not appear to be attributable to the applicant. The offence under Section 420 of IPC entails punishment which may extend to seven years.

7. In the totality of the circumstances, I am inclined to exercise the discretion in favour of the applicant.

8. Hence, the following order :

ORDER

(i) The application stands allowed.

(ii) In the event of the arrest of the Applicant - Bhalchandra Chintaman Deo in connection with C.R.No.680 of 2019 registered with Wakad 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.

(iii) The Applicant shall co-operate with the investigation and report to Wakad Police Station on 23rd, 25th, 29th and 31st January 2024 in between 10.00 a.m. to 1.00 p.m., and, thereafter, as and when directed.

(iv) 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.

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

(vi) It is, however, clarified that the observations are confined to the consideration of entitlement for pre-arrest bail and the trial Court shall not be influenced by any of the observations in further proceedings.

(N.J.JAMADAR, J.)