



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2361 OF 2024**

Shubham Vilas Mundhe	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Akshay Bankapur, for Applicant.
Mr. A.A.Naik, APP for State.

**CORAM: N.J.JAMADAR, J.
DATE : 6 AUGUST 2024**

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for bail in connection with C.R.No.282 of 2023 registered with Yeola City Police Station, Nashik for the offences punishable under Sections 120-B, 420, 467, 468, 471, 387, 506 read with Section 34 of the Indian Penal Code, 1860.
3. Nivrutti A. Mahale – first informant, lodged a report with the allegations that Sachin Patil (A1) had called the sister of the first informant on phone and asked her to see him along with the first informant. Sachin Patil (A1) questioned the first informant as to why the first informant had purchased the agricultural land situated at Gut No.90/2 as the former intended to purchase the same. Sachin Patil (A1) had threatened the first informant that he would get the subject property transferred in the name of another co-accused. After few days, the first informant was informed that the said property was purchased by Rahul Khairnar (A5). Upon inquiry, it transpired that a Power of Attorney was executed in favour of the applicant by impersonation. The

applicant and other co-accused, in pursuance of the conspiracy, had set up another person in the place of the first informant and a false and forged Power of Attorney was executed in the Office of the Sub-Registrar, Kopargaon. On the strength of the said Power of Attorney, subsequently a Sale Deed was executed on 31 July 2023 in the Office of Sub-Registrar Yeola.

4. The learned Counsel for the Applicant submitted that most of the co-accused have been enlarged on regular bail or pre-arrest bail. The applicant is a young boy of 25 years of age. The allegations that a Power of Attorney and the subsequent sale deed have been forged, are contentious. In fact, the first informant had obtained copies of the documents from the Civil Court where the proceedings in relation to the subject premises is subjudice. The applicant has been in custody since 27 August 2023. The investigation is complete. Thus, the applicant be enlarged on bail.

5. Learned APP resisted the prayer for bail. It was submitted that the applicant was the key conspirator in the conspiracy. The applicant had knowingly set up an impersonator and the Power of Attorney came to be executed in favour of the applicant. On the strength of the Power of Attorney, the applicant had, in turn, executed a further instrument. Therefore, the applicant does not deserve to be enlarged on bail.

6. It is true, this Court by orders dated 4 25 September 2023 and 4 October 2023 granted pre-arrest bail to the co-accused. However, the aforesaid orders do not enure

for the benefit of the applicant as the role attributed to the applicant is quite distinct. It is alleged that the applicant had got the power of attorney executed in his favour by setting up an impersonator for the first informant. Though the question whether the said Power of Attorney is a forged and fabricated document would be a matter for trial, yet, at this stage, it cannot be said that there is no prima facie material to substantiate the said indictment against the applicant.

7. Nonetheless the Court cannot loose sight of the fact that the applicant has been in custody since 27 August 2023. Investigation is complete for all intent and purpose. Chargesheet has been lodged. The allegedly forged instruments are seized. Offences are triable by a Magistrate. The applicant has been in custody for almost a year. It is unlikely that the trial can be concluded within a reasonable period. Thus, having regard to the age of the applicant and the attendant circumstances of the case, coupled with the period of incarceration, I am persuaded to exercise discretion in favour of the applicant.

8. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Shubham Vilas Mundhe be released on bail in C.R.No.282 of 2023 registered with Yeola City Police Station, Nashik, on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the

satisfaction of the trial Court.

(iii) The applicant shall mark his presence before Yeola City Police Station, Nashik, on first Monday of every month between 11 am to 1 pm for a period of three years or till the conclusion of the trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.

(v) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

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

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)