

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

ANTICIPATORY BAIL APPLICATION NO.697 OF 2024

Baliram Ramchandra Kadam & Ors. Applicants

versus

State of Maharashtra Respondent

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- Mr. Onkar Warange, Advocate for Applicant.
- Mr. Nitin B. Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 11th MARCH, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.318/2023, dated 12/10/2023, registered with Mangaon Police Station, Raigad, under sections 420, 467, 471, 472 r/w 120-B of the Indian Penal Code.
2. Heard Mr. Onkar Warange, learned counsel for the Applicant and Mr. Nitin B. Patil, learned APP for the State.

3. Learned APP states that the Investigating Officer is not present and he is seeking time.
4. Considering his request, today I am adjourning the matter. However, I have heard the parties for consideration of ad-interim relief.
5. The FIR is lodged by one Shushma Kadam. She has stated that she and other 8 accused have a common ancestral land at village Wave Divali, Taluka Mangaon, District Raigad at survey No.16, 350/1, 58. The names of the informant's family and other accused are recorded in the revenue record. One of the co-owners was Arun. He was not available for about 25 years. In spite of that, on 26/02/2021 the other accused in collusion with each other executed a power of attorney and registered it at the sub-Registrar's office at Mangaon. Even the informant, her daughters and son were present at the time of registration of the document. The other accused pressurized the informant and her son and daughters in executing that document. On this basis, the FIR is lodged.

6. Learned counsel for the Applicants submitted that the power of attorney was executed only for facilitating the procedure in the acquisition proceeding. It was not executed, to deprive the informant and her family to give up their right. Even the informant and her family members were aware that Arun was not available. Learned counsel for the Applicants could not justify as to why that document was executed in the name of Arun as well, who was missing for 25 years. However, he submitted that execution of that document has not caused loss to anybody. He further submitted that the Applicant No.1 is 77 years of age. The Applicant No.2 is 66 years of age. The other two Applicants are ladies. They are married daughters of the other co-sharers. They are not really aware of the transactions.

7. Considering these submissions and in particular on humanitarian ground and since as of today no loss is caused to anybody, the Applicants can be protected by way of ad-interim relief. It would be sufficient if they cooperate with the investigation.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.318/2023, dated 12/10/2023, registered with Mangaon Police Station, Raigad, till the next date, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) This order shall operate till 18/04/2024.
- (iv) Stand over to 18/04/2024.

(SARANG V. KOTWAL, J.)