

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2331 OF 2024**

Vilas Balkrishna Karpe	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Nitin Gaware Patil a/w/ Mr. Shubham Wadne for applicant.

Mr. Tanveer G. Khan, APP for respondent-State.

Mr. Ajit Raghunath Nanaware, P.C., Vadgaon-Maval Police Station, District Pune Rural.

**CORAM : MANISH PITALE, J.
DATE : 05th SEPTEMBER, 2024**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0188 of 2024 dated 05.04.2024 registered at Vadgaon Maval Police Station, District Pune Rural for offences under Sections 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code, 1860.

3. At the outset, the learned counsel for the applicant submits that this Court had already allowed the anticipatory bail application of the wife of applicant by order dated 12.06.2024 passed in Anticipatory Bail Application No.1505 of 2024. It is also brought to the notice of this Court that by an earlier order dated 09.05.2024, the Sessions Court granted anticipatory bail to five other co-accused persons.

4. The grievance of the informant is that when a registered power of attorney was executed in the year 2017 in favour of the applicant, purportedly by the co-accused persons as also the informant herself, some other person had impersonated the informant. Since the applicant was the beneficiary under the said registered power of attorney, according to the informant, the applicant is responsible for the illegal act of impersonation involved in the present case. On the basis of such allegations, the said offences have been registered against the accused persons, including the applicant.

5. The learned counsel for the applicant submits that as noted by this Court in the earlier order dated 12.06.2024 passed in favour of the wife of the applicant, the aforementioned power of attorney was subsequently cancelled by way of a public notice issued on 20.03.2024. In the public notice, it was stated that the power of attorney stood cancelled on 28.12.2023. It is submitted that in any case, the power of attorney was executed in favour of the applicant for maintenance and upkeep of the family property and the applicant was never authorized to deal with or dispose of the said property. It was submitted that the informant has not even made any such allegation against the applicant. It is submitted that the applicant is ready to co-operate with the investigation and that this Court may allow the present application.

6. On the other hand, the learned APP produced the investigation papers, including the original documents showing the manner in which the subject power of attorney was executed in the year 2017. It is submitted that some other person was shown as the informant and this is evident from the photograph affixed on the document, as also the photograph of the

individual clicked at the office of the sub-registrar, when the document was registered. It is submitted that the applicant is the only beneficiary in whose favour the power of attorney is registered. It is submitted that a clear case is made out against the applicant and no indulgence may be shown.

7. This Court is of the opinion that the present application can be kept pending. But, at the same time, interim relief can be granted to the applicant with a specific direction to appear before the investigating officer. The documents on record do show that the applicant was indeed the beneficiary in whose favour the registered power of attorney was executed. But, the contents of the said document show that such power of attorney was executed for maintenance and upkeep of the family property. The other members of the family were party to the said document. The informant is the sister-in-law of the applicant. It is not even alleged against the applicant that during the period between 2017 and 2023, till the power of attorney is said to have been cancelled, the applicant, in any manner, dealt with the property or created any third party rights. The applicant is ready to co-operate with the investigation.

8. Hence, there shall be interim order in following terms:

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No.0188 of 2024 dated 05.04.2024 registered at Vadgaon Maval Police Station, District Pune Rural, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount to the satisfaction of the trial court;
- (b) the applicant shall appear before the investigating officer on 10.09.2024 between 10:00 a.m. and 12:00 noon and thereafter as and when required by the investigating officer;

(c) the applicant shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence. He shall co-operate with the investigation.

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

10. List for further consideration on 08.10.2024, to be included in the supplementary list.

(MANISH PITALE, J)

Priya Kambli