

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2331 OF 2024

Vilas Balkrishna Karpe

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Nitin Gaware Patil a/w Mr. Shubham Wadne, for Applicant.
- Mr. Tanveer G. Khan, APP for Respondent.

CORAM: MANISH PITALE, J.

DATE : 08th OCTOBER, 2024.

P. C. :

1. Heard, Mr. Gaware Patil, learned counsel for the applicant and Mr. Khan, learned APP for the respondent – State.
2. This Court by order dated 05.09.2024, granted interim relief in favour of the applicant with specific direction to appear before the Investigating Officer on 10.09.2024, and thereafter as and when called by the Investigating Officer.
3. The learned APP, on instructions, submits that the applicant indeed abided by the said direction, but it is submitted that he has not produced the original Power of Attorney, which is the subject matter of investigation in the facts and circumstances of the present case.
4. The learned counsel for the applicant submits that the applicant

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is a senior citizen aged about 76 years. The aforesaid Power of Attorney was executed on 27.03.2017 and being a registered document, if the original is not presently available, the Investigating Officer can surely reach out to the office of the Sub Registrar, to make enquiries about the said document. It is submitted that the applicant has cooperated with the investigation and therefore, this Court may consider allowing the application.

5. While granting interim relief in favour of the applicant by order dated 05.09.2024, this Court had observed as follows :

“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.”

6. The aforesaid reasons recorded in the above quoted paragraph hold good even today for allowing the application, particularly in the light of the fact that the applicant has abided by the directions issued by this Court and he has cooperated with the investigation.

7. In view of the above, the interim order dated 05.09.2024 is confirmed and the application is allowed, subject to the applicant continuing to cooperate with the investigation. He shall not tamper with the evidence and he shall not influence the informant, witnesses or any person concerned with the case.

(MANISH PITALE, J.)