

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2654 OF 2024**

Sachin Zumbar Patil @ Gaikwad	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Aniket Vagal a/w. Ms. Savvy Kolhekar and Mr. Kunal Pednekar for applicant.

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

**CORAM : MANISH PITALE, J.
DATE : 01st OCTOBER, 2024**

P.C. :

1. 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.0282 of 2023 dated 26.08.2023, registered at Yeola City Police Station, District Nashik Rural, for offences under Sections 420, 467, 468, 471, 387, 506 and 120-B read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case, has stated that the applicant herein was upset because the informant had purchased a particular piece of land in which the applicant was interested and in that context, the applicant had threatened the informant in the presence of his family members.

4. It is subsequently stated that the informant came to know that behind his back and in clandestine manner, a registered Power of Attorney dated

16.06.2023 was executed, wherein he was shown as the person who had appointed co-accused Shubham Mundhe as his power of attorney holder. On the strength of the said document, a sale deed was executed by the said person on 31.07.2023 in respect of the land in question. Upon coming across such documents, the informant approached the police for registration of FIR.

5. The learned counsel for the applicant submitted that in the present case, other than the statement of the informant and his two family members about the threat given to the informant on a particular day in the context of the land in question, there no other material to link the applicant and the co-accused persons with the offences registered in the present case.

6. It is submitted that in the absence of any material to implicate the applicant, the Sessions Court erred in proceeding on the basis that the applicant was the mastermind and that he had strategically kept himself away from the investigation. It was submitted that in such circumstances, since the applicant is ready to co-operate with the investigation, this Court may consider granting relief to the applicant.

7. On the other hand, the learned APP submitted that there is enough material on record, including the statement of the co-accused person Shubham Mundhe recorded under Section 27 of the Evidence Act, to indicate the involvement of the applicant as the mastermind behind the forgery and fabrication in the present case. It was submitted that the applicant had deliberately kept himself away from the investigation and on this ground itself, the application ought to be dismissed, apart from the fact that the applicant has two other criminal cases registered against him for offences under the IPC.

8. This Court has considered the rival submissions, in the light of the material on record. Some of the documents filed alongwith the chargesheet, including the memorandum statement of the co-accused Shubham Mundhe, are not legible and it would be appropriate that the applicant places clear and legible copies on record.

9. The Sessions Court has dismissed the application of the applicant, essentially on the ground that he appears to be the kingpin in the present case and he has strategically kept himself away from the investigation. The chargesheet in the present case was filed under Section 297 of the Criminal Procedure Code, 1973 against the applicant. Presently, the material relied upon by the investigating authority against the applicant includes the statement of the informant leading to registration of FIR and the statements of the two witnesses i.e. his family members, who claim to have been present, when the applicant had allegedly given threat to the informant. It would be necessary to further look into the matter in detail to reach a definite conclusion. But, since the applicant has undertaken to appear before the investigating officer and to co-operate with the investigation, it would be appropriate that interim order is granted for the present, while keeping the application pending.

10. In view of the above, there shall be interim relief in the following terms:

(a) Till the next date, in the event the applicant is arrested in connection with FIR No.0282 of 2023 dated 26.08.2023, registered at Yeola City Police Station, District Nashik Rural, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- 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 04.10.2024 and 05.10.2024 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.

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

12. List the application for further consideration on 24.10.2024, to be included in the supplementary list.

(MANISH PITALE, J)

Priya Kambli