



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3009 OF 2024

Mangesh Maroti Walke

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Nikhil Wadikar i/by Mr. Nandu Pawar for the Applicant.

Ms. Rashmi Tendulkar, APP for the Respondent-State.

Mr. Shrikant Gurav, PSI, Bhosari Police Station is present.

Coram : Sharmila U. Deshmukh, J.

**Date : October 31, 2024.
[Vacation Court]**

P. C. :

1. This is an application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS") seeking pre arrest bail in connection with CR No.0789 of 2022, registered with Bhosari Police Station, District Pimpri Chinchwad, for the offences punishable under Sections 120-B, 406, 419, 420, 448, 465, 468 and 471 of the Indian Penal Code, 1860.

2. The case of the prosecution is that the complainant-Basavraj Shivaji Jadhav residing at Pune is the owner of Gat No.78/4/1/17 situated within the limits of Pimpri Chinchwad Municipal Corporation. Between 22nd September, 2017 to 2nd March, 2019, the accused including the present Applicant hatched a conspiracy and an unknown

person impersonating as Basavraj Jadhav disposed of the property by executing fraudulent documents of sale. Bogus sale-deed of the property belonging to the complainant was to Ramdas Prasad Chitode and Savita Ramesh Kaple. The Accused prepared bogus PAN Card and Aadhaar Card in the name of the complainant with the photograph of unknown person.

3. Heard Mr. Wadikar, learned counsel appearing for the Applicant and Ms.Tendulkar, learned APP for the Respondent-State..

4. Mr.Wadikar, learned counsel appearing for the Applicant would submit that alongwith the sale-deed which was executed with the purchasers i.e. Ramdas Chitode and Savita Kaple, the PAN Card and the Aadhaar Card of Basavraj Jadhav were annexed and therefore there is no forgery. He would further submit that the sale-deed has been executed in the year 2017 and the case of the prosecution is that the Complainant became aware in 2020 and the FIR has been lodged in the year 2022. He would further submit that in fact, the Complainant is an impersonator as the sale-deed has been executed by Basavraj Jadhav whose PAN Card and Aadhaar Card were annexed to the sale-deed and therefore the transaction was a genuine transaction. He would further submit that the applicant is a broker and had merely facilitated the transaction between the seller and the purchaser. He submits that co-

accused have been granted pre-arrest bail.

5. Learned APP submits that the statement recorded of the the purchasers specifically states that the present Applicant had brought one person by named Basavraj Jadhav to their office and at that time, the Applicant had informed them that the owner of the property is his maternal uncle. He would further submit that as far as the co-accused- Arvind Wanjari is concerned, who has been granted pre arrest bail, the purchaser has stated that Arvind Wanjari was sitting in the car outside whereas the present Applicant and other co-accused had attended the meeting. He would further submit that the perusal of the order of the pre arrest bail of co-accused would indicate that Co-accused was physically challenged person.

6. The allegation in the FIR is that bogus sale-deeds in respect of the property belonging to the Complainant were prepared and property was sold to third party. The FIR contains a specific allegation against the present Applicant and the co-accused that they had prepared the bogus PAN Card and Aadhaar Card in the name of the complainant with the photo of one unknown person and the said person impersonated the Complainant in executing the documents. *Prima facie*, from the perusal of the statement of the purchasers, it appears that the present Applicant and the co-accused – Bhagwan

Adhav had attended the meeting with the purchasers and informed them that the owner of the property is maternal uncle of the present Applicant. The FIR *prima facie*, discloses the involvement of the present Applicant in the offences alleged.

7. Considering the facts of the case, in my view, the custodial interrogation of the Applicant would be required. Application stands rejected.

[Sharmila U. Deshmukh, J.]