

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3114 OF 2024**

Datta @ Mayur Kisan Takve	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Nitin Gaware Patil a/w. Mr. Shantanu Kolhe for applicant.

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

Mr. Sunil Amruta Powar, API, Kamshet Takve Police Station, District Pune Rural.

**CORAM : MANISH PITALE, J.
DATE : 22nd NOVEMBER, 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.0166 of 2024 dated 08.08.2024, registered at Kamshet Takve 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. The informant in the present case, claims that a registered sale deed was illegally executed, when the grandfather of the informant was impersonated by another person at the behest of the co-accused. The registered sale deed dated 22.02.2024 was executed in favour of co-accused No.1, who subsequently executed a registered agreement for sale dated 05.04.2024 in favour of other co-accused person.

4. The learned counsel for the applicant submitted that the applicant is

not named in the FIR and his name came up as one of the accused persons only at the stage of the second remand application. It is only upon the statement of the co-accused Manish Sadashiv Walunj that the applicant has been arraigned as an accused. There is no material with the investigating authority to link the applicant with the offences in question and therefore, this Court may consider allowing the present application.

5. On the other hand, the learned APP submitted that apart from the co-accused Manish Sadashiv Walunj, who took the name of the applicant for having arranged the person, who had impersonated the grandfather of the informant, there are Call Detail Records (CDRs) showing that the applicant was in touch with the said co-accused person.

6. Having considered the rival submissions, this Court is inclined to allow the present application for the following reasons:

- (a) The applicant is not named in the FIR and there is no reference to his role in the aforesaid alleged illegal act of execution of registered sale deed by impersonation of the grandfather of the informant.
- (b) The involvement of the applicant is claimed only on the basis of the statement of the co-accused Manish Sadashiv Walunj, who is, in fact, the person in whose favour the aforesaid sale deed was executed. There does not appear to be any other material on record to link the applicant with the said offences.
- (c) There is nothing to indicate that the applicant can be said to be a beneficiary under the said transaction, as there is no money trail reaching up to the applicant.
- (d) Reliance placed on CDRs, at this stage, can be of no consequence while considering the prayer for anticipatory bail.

(e) The applicant is ready to co-operate with the investigation.

7. For the aforesaid reasons, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0166 of 2024 dated 08.08.2024, registered at Kamshet Takve Police Station, District Pune Rural, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- (ii) The applicant shall remain present before the Investigating Officer on 25.11.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
- (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- (iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

8. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application stands disposed of.

(MANISH PITALE, J)