

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 3275 OF 2024

Shashikant alias Pappu Ram Dhakol	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Bhalchandra S. Shinde a/w Ganesh S. Pawar for Applicant.
Mr. Prasanna P. Malshe, APP for Respondent-State.
Mr. R. R. Bhise, PSI, Lonavala Police Station, Dist. Pune.

**CORAM: MANISH PITALE, J.
DATE : 6th DECEMBER 2024**

P.C. :

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

2. The applicant has approached this Court as he is apprehending arrest in connection with FIR No. 0138 of 2013 dated 16th December 2023 registered at Lonavala Police Station, Dist. Pune, for offences under Sections 420, 467, 468 and 471 read with 34 of the Indian Penal Code, 1860 (IPC).

3. Although, the FIR was registered about 11 years ago, the applicant is constrained to move this application, as according to him, the Police is now taking steps to arrest him, with regard to the said offences.

4. The FIR has been registered on an allegation that the

accused persons committed a fraud by impersonating the mother of the informant to execute a registered sale deed in respect of piece of land belonging to her. The said lady was said to have expired much before the registered sale deed was executed.

5. The learned counsel for the applicant submits that the applicant was initially not named in the FIR, but subsequently he was arraigned as an accused. He always cooperated with the investigation and this is evident from the *fehris*t of the charge-sheet showing that the statement of the applicant was recorded on 2nd January 2014 itself. But, the said statement does not form part of the charge-sheet. It is submitted that charge-sheet was filed as far back as on 10th June 2015 and at this point in time, no purpose would be served by arresting the applicant.

6. On the other hand, the learned APP submits that there is sufficient material on record to link the applicant with the incident in question, particularly the statement of co-accused Anil Deshmukh, who gave details of the involvement of the applicant in the present case.

7. The allegations in the present case are serious as it is a case of impersonation of a dead person. But, it cannot be ignored that the FIR was registered almost 11 years ago. The *fehris*t of the charge-sheet indeed shows that the statement of the applicant was recorded on 2nd January 2014 itself. Copy of the statement does not form part of the charge-sheet. It is positive case of the

applicant that he has all along been residing at his residence, which the Police is aware of and yet, no steps were taken to take him into custody, perhaps because he had cooperated with the investigation.

8. But, the statement of co-accused Anil Deshmukh gives details of the manner in which the applicant was alleged to be involved in the present case. There was a specific statement made that in order to facilitate execution of such a fraudulent document, the said accused person had paid an amount of Rs.50,000/- by cheque to the applicant herein. It is surprising that the Police does not appear to have investigated the matter further by checking the account details of the said co-accused and the applicant. The only statement made before this Court is that the applicant has been absconding.

9. In such circumstances, this Court is inclined to keep the present application pending, while granting interim relief in favour of the applicant.

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

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0138 of 2013 dated 16th December 2023 registered at Lonavala Police Station, Dist. Pune, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount.

- (b) The applicant shall remain present before the Investigating Officer on 9th December 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.
 - (c) 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.
11. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.
12. List this application for further consideration on 15th January 2025 (High on Board).

MANISH PITALE, J.