ANANT KRISHNA NAIK
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2377 OF 2023

Shrideep Suresh Hasapure ...Applicant
Vs.
The State of Maharashtra & Anr. ...Respondents

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Mr. Viresh Purwant a/w. Mr. Suraj V. Gadkari for the Applicant
Mr. S. S. Choudhary, APP, for the Respondent-State.
Mr. Akshay Kapadia i/b. Mr. Gurubala Birajdar for the Respondent No. 2
Mr. Lakhan Pawar, Mundrup police Station, Solapur Rural.

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CORAM : M. M. SATHAYE, J.

DATED : 29th JULY 2025

P.C.:

1. Pursuant to the earlier order dated 15/07/2025, learned Counsel appeared for the Respondent No. 2/complainant. Heard learned counsel for the parties and learned APP for the State.

2. This is an Application for pre-arrest bail in connection with C.R. No. 236 of 2023 registered at Mandrup police station, Solapur for the offences punishable under sections 120-B, 420, 465, 467, 468 read with 34 of Indian penal Code, 1860. The Applicant is Accused No. 1.

3. The allegations in the FIR are that the Accused No. 4 - Basawaraj Mahadev Malage, at the instance of the present Applicant, for the purpose of objecting to the candidature of the Complainant for the post of 'Sarpanch', relied on a forged bond-paper to make a show that there was contract between the Complainant and local Gram Panchayat, Nibargi through its Sarpanch. It is alleged that the said bond paper was sought to be used before

the election officer for securing disqualification of the Complainant. The FIR itself indicates that the said objection was rejected / refused by the election officer.

4. It is a common ground before the Court that the document which was produced before the election officer was a xerox copy and not the original bond paper of alleged contract recorded therein. It is also not in dispute that the Complainant as well as the Accused No. 4 were contesting parties for the post of Sarpanch. The FIR does not allege that the Applicant himself has raised objections and only allegation is that at Applicant's instance, Accused No. 4 has raised that objection.

5. Learned advocate for the Applicant submitted that if any mischief is played by the Accused No. 4, the Applicant is not responsible for that even prima facie. It is submitted that the FIR does not allege that the Applicant had raised any objection or produced any document. It is submitted that whole basis of the FIR and filing of criminal case is arising out political rivalry.

6. Learned APP on instructions of the officer of the concerned Police Station (who is present in the Court) submits that investigation is not over and necessary papers are not shown so far. He submits that according to the investigating agency, the original document has to be in the custody of the Applicant and therefore custodial interrogation is necessary. He opposed grant of anticipatory bail.

7. It appears that according to the Complainant, the notary register discloses the name of the Applicant as a person who had purchased the stamp paper. However, xerox copy of the alleged forged document indicates the stamp paper purchased in the name of the Complainant through (*haste*)

one Mr. Avinash Pujari, who appears to be the Accused No. 3. It further appears that the elections of the Gram Panchayat had taken place in December 2022 and the FIR is filed belated on 03/07/2023, albeit after private complaint was lodged and order of the Magistrate was secured.

8. Considering the aforesaid facts and circumstances, indeed, as already recorded in the earlier order dated 24/08/2023, the genesis of the alleged dispute appears to be an election dispute. Considering the allegations in the FIR that the said document was produced before the election officer by the Accused No. 4 and not by the present Applicant, in my view custodial interrogation of the Applicant is not necessary.

9. In the aforesaid facts and circumstances, considering the nature of allegations and fact that the Applicant is protected by order of this Court for last 2 years, case for grant of this application is made out.

10. Accordingly, this Anticipatory Bail Application is allowed in terms of order dated 24/08/2023. The Applicant is directed to co-operate with investigation and report to the concerned Investigating Officer, if required on sufficient notice.

11. Anticipatory Bail Application is disposed of in above terms.

12. It is clarified that the observations made in this order are made for the limited purpose of deciding anticipatory bail application and will not come in the way of the Trial Court while deciding the criminal case, which will be decided independently in accordance with law.

(M. M. SATHAYE, J.)