

Shabnoor

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

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ANTICIPATORY BAIL APPLICATION NO. 2367 OF 2024

1) Gajanan Ramchandra Kadam &

2) Pravin Hanumant Kadam

... Applicants

V/s.

The State of Maharashtra

... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 697 OF 2024

1) Baliram Ramchandra Kadam,

2) Dilip Hanumant Kadam,

3) Suhasini Bharat Chavan, &

4) Aparna Prafulla Khutwal

... Applicants

V/s.

The State of Maharashtra

... Respondent

Mr. Onkar Warange, for the Applicant in both the ABAs.

Ms. Megha S. Bajoria, APP for the State-Respondent in both the ABAs.

Mr. D. D. Jadhav, PSI, Mangao Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 23, 2025

P.C.:

1. By these applications, the applicants seek pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973, as

they apprehend arrest in connection with Crime Register No. 318 of 2023 registered at Mangaon Police Station for offences punishable under Sections 120-B, 420, 467, 471, and 472 of the Indian Penal Code, 1860.

2. The prosecution case is based on a complaint filed by one Sushma Bajirao Kadam. In the complaint, it is stated that properties bearing Survey Nos. 16, 350/1, and 58 at Village Vave Diwali, Taluka Mangaon, are ancestral properties of the applicants, the complainant, and her children. It is alleged that one of the co-sharers, Arun Hanumant Kadam, husband of the complainant, has been missing for the last 25 years. The applicants executed a registered Power of Attorney dated 26 February 2021 in their favour. When the complainant asked for a copy of this Power of Attorney, she discovered that accused No. 5 had introduced an unknown person as her husband, Arun Hanumant Kadam, despite his long absence.

3. It is further alleged that accused Nos. 1 to 12 prepared a bogus Aadhaar Card in the name of Arun Hanumant Kadam and used the signatures of an unknown person to execute the document by impersonation. The Power of Attorney was registered under Day Book No. 734/2021. The complainant has also alleged that when she confronted the applicants, they threatened her. On 2 April 2021, she went to Mangaon Police Station and informed the authorities. Thereafter, accused Nos. 1 to 5 allegedly threatened to kill her. The police recorded a non-cognizable complaint. It is also alleged that the accused are falsely claiming ownership of the land and executed the Power of Attorney as if it bore the informant's

signature. Based on these allegations, the present FIR was lodged.

4. Learned counsel for the applicants submitted that the Power of Attorney is a registered instrument, which bears the signature of the informant herself. The informant, however, alleges that her signature was obtained under coercion. It is further submitted that investigation is complete and a charge-sheet has been filed. Since the case is based on documentary evidence, custodial interrogation is not required. The applicants were already protected by interim orders of this Court dated 11 March 2024 and 23 August 2024. There is no allegation that the applicants misused this liberty. Hence, continuation of the interim protection is prayed for.

5. On the other hand, the learned APP opposed the applications, contending that the allegations are serious in nature. It was emphasized that the alleged executor of the Power of Attorney has been missing for 25 years, which creates grave doubt about the genuineness of the document. Therefore, the APP prayed for rejection of the applications.

6. I have considered the rival submissions and perused the record. The allegations mainly relate to execution of a Power of Attorney and preparation of documents. The offences are therefore documentary in nature. The investigation is already complete and charge-sheet has been filed. No case is made out for custodial interrogation of the applicants.

7. The applicants have enjoyed interim protection granted by this Court since 11 March 2024 and continued on 23 August 2024. There is nothing on record to show that they have misused this

liberty or interfered with the investigation. In such circumstances, continuation of protection is justified.

8. Having regard to the nature of allegations, the stage of the case, and the fact that the applicants are not required for custodial interrogation, this Court finds it a fit case to grant pre-arrest bail.

9. Hence, following order:

a) In the event of arrest in connection with Crime Register No.318 of 2023 registered with Mangaon police station, for offences punishable under Sections 120-B, 420, 467, 471, 472 of IPC, the applicants be released on bail on furnishing P.R. bond of Rs.50,000/- each, along with one or two sureties in the like amount.

b) The applicants shall remain present before the concerned police station as and when called by the investigating officer.

c) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

d) The applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

e) The applicants shall, at the time of execution of the bond, furnish their address and mobile number to the investigating officer, and the Court concerned, and shall not

change the residence till the final disposal of the case.

10. Accordingly, the Anticipatory Bail Applications are disposed of in above terms.

(AMIT BORKAR, J.)