

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLN. NO. 272 OF 2026

Santosh Ramchandra Dalvi And Another ... Applicants

Versus

The State Of Maharashtra And Others ... Respondents

Mr. Y.S. Sawant for the Applicants.

Mr. A.S. Shalgaonkar, A.P.P. for the Respondent Nos.1 & 2-State.

Ms. Ankita A. Chindage for the Respondent No.3.

Officer : PSI Mr. Gaikwad, Laxmipuri Police Station, Kolhapur, present.

Coram : MEHROZ K. PATHAN, J.

Date : 16th June 2026.

PER COURT :

1. The Applicants have approached this Court seeking anticipatory bail in connection with F.I.R. No. 0073 of 2026, dated 05/03/2026, registered with Laxmipuri Police Station, District Kolhapur, for the offences punishable under Sections 120-B, 420, 465, 468, 471 read with 34 of the Indian Penal Code, 1860 (IPC).

2. Learned counsel for the Applicants submits the Applicant No.1 was arrested and released on bail. He further submits that the Applicant No.2 is

falsely implicated in the present crime. The Complainant Vaishali Patil had herself entered into a Power of Attorney with the present Applicants, which has resulted into execution of the sale-deed of the flat at Mumbai, which was transferred in the name of the complainant's brother Santosh Dalvi. There is a release deed earlier agreed by the Applicants and the complainant Vaishali Patil, wherein piece and parcel of flat No. 612 on 6th floor of building No.1C, New Hindu Mill, MHADA compound, Godapdei, Kalachowki, Mazgaon, Mumbai, was relinquished by the complainant Vaishali Patil in the name of her brother Santosh Dalvi. The entire transactions had taken place with the consent of the complainant, who had willingly entered into the release deed. The Power of Attorney and the No Objection Certificate were executed by her along with her sister Shantabai, who is also known as Sumitra. The Applicants are deliberately roped in the present crime only with an intention to create evidence in the pending civil suit between the sister and the brother for share of partition of the ancestral property. The entire investigation is complete. Hence the custodial interrogation of the Applicant No.2 is not necessary. The Applicant No.2 is not having any criminal antecedents and is ready to abide any conditions that may be imposed by this Court. Hence, the Applicant No.2 may be protected.

3. As against this, the learned A.P.P strongly opposes the anticipatory bail application on the ground that the Applicant No.2 is involved in serious

offences of cheating and forgery of valuable security with an intention to cheat. The first informant has denied having executed any such Power of Attorney, which has ultimately resulted in the transfer of a flat at Mumbai in the name of accused No. 1 – Santosh Dalvi. The complainant has also denied to have visited the hospital for obtaining any medical certificate. The statement recorded by the prosecution clearly shows that the complainant has never visited the doctor and no such certificate was issued by him. The offence pertains to transfer of the property by executing a forged Power of Attorney by the complainant. The complainant is the one of the prime accused in the said crime. Hence, the custodial interrogation of the Applicants is necessary.

4. I have gone through the investigation papers made available by the learned A.P.P. The perusal of the investigation papers shows that there was one Power of Attorney executed between the Applicants and the complainant on 19/12/2022. The said Power of Attorney bears photographs and signatures of the complainant Vaishali. On the basis of the said Power of Attorney, a Deed of Release was thereafter executed in favour of accused Santosh Dalvi, wherein accused Amol Dalvi, acted as the Power of Attorney holder of the complainant, Vaishali. The 'No Objection Certificate' also bears photographs and signatures of complainant Vaishali along with her sister Shantabai. The Applicants had made a specific submission before this Court

that a compromise had taken place to resolve the dispute amicably between accused No.1 Santosh, the complainant Vaishali, and the sister of the complainant. The brother Santosh though was arrested, released on the same day recording the fact of compromise entered between the Applicant - Santosh and her sister Vaishali. The investigation papers does not show statement of the notary who had notarized the disputed document of Power of Attorney. The notary takes entry into the register about the persons appearing before him for notarizing a document, however such an important piece of document is not verified by the Investigating Officer.

5. Be that as it may. Since the evidence in the present case is predominantly documentary in nature, custodial interrogation of the Applicants do not appear to be necessary. More particularly, a draft compromise has been placed on record, and the learned counsel for the complainant has made a specific statement that the complainant has no objection to the release of the Applicants on bail. It is further submitted that talks of compromise are ongoing between the complainant and her brother. In view of the aforesaid circumstances, I am inclined to grant protection to the Applicant No.2. Hence, the following order.

ORDER

- i. In the event of arrest of the Applicant No.2 – Amol Maruti Dalvi, he be released on bail on furnishing PR. Bond of Rs. 50,000/-

(Rupees Fifty Thousand only), with one or two solvent sureties in the like amount, in connection with F.I.R. No. 0073 of 2026, dated 05/03/2026, registered with Laxmipuri Police Station, District Kolhapur, for the offences punishable under Sections 120-B, 420, 465, 468, 471 read with 34 of the Indian Penal Code, on the following conditions :-

- (A) The Applicant No.2 shall attend the concerned Police Station and report to the Investigating Officer on every Friday and Saturday, between 12:00 noon and 02:00 p.m. till filing of the charge-sheet against the present Applicant No.2 and thereafter as and when called for by the Investigating Officer.
- (B) The Applicant No.2 shall also cooperate with the investigation.
- (C) The Applicant No.2 shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- (D) The Applicant No.2 shall submit his Aadhar Card and Pan Card to the Investigating Officer along with mobile numbers and addresses of two of his near relatives.

6. Needless to say, violation of any of the aforesaid conditions may entitle the prosecution to seek cancellation of the interim relief granted herein above.

7. The Application is disposed of in the aforesaid terms.

[MEHROZ K. PATHAN, J.]

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