

**Criminal Bail Application No.1269/2022**

*CNR No. MHNS010053702022*

*[Mukesh Daulat Gangurde V s. State]*

**Order below Exh.1.**

This is application for regular bail U/s. 439 of Cr.P.C. in Cr.No.I-184/2022 of Mumbai Naka P. S., for offences punishable under Sections 465, 467, 468, 471 r.w. 34 of I.P.C., on the basis of FIR lodged by Sanjiv Laxmikant Chaudhari.

2. Bail application is filed on the ground that the applicant is innocent and has been falsely implicated in the case. That the present applicant is permanent resident of Nashik. He is in jail for quiet long time. He is the only bread earner of his family. There is one seizure memo, no evidence has been collected from the applicant. He is ready to abide by terms and conditions imposed upon him. He shall not tamper prosecution witnesses. No purpose would be served by detaining him in jail. The offences are not punishable with sentence of death or life imprisonment. There are no antecedents. On these main grounds and others have prayed for bail.

3. Notice was issued to State. State appeared through Ld. APP Mr. Kotwal and filed say resisting for grant of application on the grounds that the accused opened the account in Cosmos Co.Op.Bank Ltd., Nashik Road on the basis of bogus documents of informant and also prepared two Adhar cards and Pan Card in the name of informant. The said documents are seized by conducting panchanama. Co-accused Nilesh Murtadak is yet to be arrested. Investigation is in progress. On these main grounds and others have

prayed for rejection of bail application.

4. Heard Ld. Advocate Mr.Pawar for applicant. Perused bail application. Heard Ld. APP Mr.Kotwal. Perused police papers and say filed by Mumbai Naka police station.

5. On perusal of F.I.R. as well as case papers, it is apparent that, the informant was impersonated by the accused persons. His land lying and being situated at S.No.820/1A+2A/1/2 was transferred in favour of Radhika Anil Patil for valuable consideration of Rs.45 lacs. The allegation faced by the applicant is that he has helped prime accused persons by preparing false documents such as Pan Card, Adhar Card and other documents related to identification. Certain documents are seized from the house of the applicant.

6. Charge-sheet is filed. The Hon'ble High Court has granted regular bail to Radhika Anil Patil [accused No.1] and even the advocate Smt.Swati Bhaskar Patil who identified the accused, was released on anticipatory bail. No fruitful purpose will be served by keeping the applicant behind the bar. The main reason to object the bail application is non-availability of two accused persons namely Nilesh Murtadak and Anil Patil. When they will be traced out and arrested, cannot be determined. The applicant is permanent resident of Nashik. Presence of the applicant can be secured by imposing certain terms and conditions. Hence, following order is passed.

### **ORDER**

(1). Application is allowed.

- (2). The applicant Mukesh Daulat Gangurde be released on bail in Cr.No.I-184/2022 of Mumbai Naka P. S., for offences punishable under Sections 465, 467, 468, 471 r.w. 34 of I.P.C., on furnishing a PR and SB of Rs.25,000/- with one or more sureties of like amount on following conditions.
- (a). He shall attend Mumbai Naka Police Station as and when called by Investigating Officer till filing of the charge sheet against co-accused namely Nilesh Murtadak and Anil Patil.
- (b). He should furnish two documents about his identity proof and two documents in respect of identity proof of his relatives.
- (c). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them from disclosing such facts to the Court or to any police officer.
- (d). Violation of any of the above mentioned condition, would result in cancellation of bail.
- (3). Inform concerned police station accordingly.
- (4). Bail before JMFC Court

Nashik.

( V. P. Desai)

Date : 19/10/2022

Additional Sessions Judge, Nashik.