

(CNR NO. MHPU01-007833-2026) 	<u>ORDER BELOW EXH.1 IN</u> <u>CRI.BAIL APPLICATION</u> <u>NO.3633/2026</u> <i>Jaykar Nivrutti Bhosale Vs.</i> <i>State of Maharashtra</i>
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1] This is an application filed by applicant /accused Jaykar Nivrutti Bhosale under Section 482 of Bhartiya Nyaya Suraksha Sanhita (BNSS) apprehending his arrest in connection with **C.R. No.344/2026** for the offences punishable under section 340(2), 338, 336(3), 318(4), 316(2) of the **Bharatiya Nyaya Sanhita, 2023** (in short BNS) registered with Khadak police station.

Case of Prosecution :

2] Gandharv Gautam Kamble has filed complaint to Khadak Police Station. He alleged that his father is having plot no.565/3/23 at Dattwadi. In 2016 his father was suffering from paralysis. His uncle Ravindra Kamble filed an application to mutate his name for the said plot before Mamaledar. Hence, informant made inquiry. During inquiry he came to know that on 05/08/2025 his uncle has executed sale-deed in his favour showing himself as a power of attorney holder of informant's father. Accused Vasant and Jaykar has signed on power of attorney as a witness. Informant claimed that all the accused, in collusion with an intention to grab their property, have executed false and bogus document. Based on this information police has registered the crime against accused.

3] The applicant / accused filed bail petition contending that he is innocent. He has not committed any offence. There is delay in lodging FIR. Complainant's father and accused no.1 are real brothers. Applicant and they are residing in same vicinity. Being resident of same area relying on them he signed as witness on the deed. Applicant neither purchased stamp nor prepared document related to power of attorney. Nothing is to be recovered or discovered. Custodial interrogation is not necessary. Applicant is 65 years old. He has no criminal antecedents. The alleged offences are triable by JMFC Court. He is permanent resident of given address. He is ready to cooperate with police machinery. He is ready to abide by terms and conditions that may be imposed upon him. Thereby he prayed for grant of anticipatory bail.

4] The Investigation Officer through APP filed say and resisted the bail application contending that offence is serious. The applicant / accused signed as witness on forged deed. The stamp of Rs.100 used for executing power of attorney was shown to be purchased on 11/4/2004 from stamp vendor N.K.Masaliya, however, said N.K. Masaliya was dead on 03/01/2001. As such investigation reveals that said power of attorney is forged one. Investigation is in progress.

5] Investigating Officer further contended that for preparing forge power of attorney, forge stamps are used.

Those stamps are yet to be recovered. Applicant / accused is not cooperating in investigation. If anticipatory bail is granted, he may not remain present before IO for interrogation. There is possibility of pressurizing the prosecution witnesses. Thereby prayed to reject the application.

6] Heard Ld. Advocate for applicant and Ld. APP for the State.

7] Perused the documents on record. It appears that the alleged power of attorney was alleged to be executed on 11/4/2004. The stamp of Rs.100/- was shown to be purchased on the same day from N.K. Masaliya. On 09/4/2004 the stamp was shown to be delivered from the Treasury. However, police papers shows that N.K. Masaliya was died in the year 2001. Furthermore the power of attorney got to be registered with Notary on 12/4/2004 at sr.no. 848A/04. Generally the registration is purely numeric. Sr. no. at 848A indicates that entry was inserted later on. Under such scenario there is reasonable ground to suspect the said power of attorney to be bogus.

8] Said power of attorney was used to transfer the share of informant. Thus, the intention to execute the said power of attorney is to cause loss to the informant. Thus, prima facie case is made against the accused.

9] However, from the documents on record it appears that said power of attorney in question is recovered by the police. Hence, there is no necessity of custody of applicant / accused for any recovery. Police was directed to file the flow of possession of stamp as well as the notary register where the power of attorney was registered. In spite of specific direction to the IO he miserably failed to produce the information and document asked by the Court. Such a conduct of IO is highly objectionable and this Court shows displeasure on it.

10] As mentioned supra the documents are already recovered by the police. Custodial interrogation of applicant / accused is not necessary. Applicant / accused is senior citizen. Considering these mitigating circumstances, I am of the opinion that, applicant / accused can be enlarged on anticipatory bail. In result I pass following order -

ORDER

- 1) The application (Exh.1) is allowed.
- 2) In the event of arrest of Jaykar Nivrutti Bhosale, he be released on anticipatory bail on execution of P.B. and S.B. of Rs.25,000/- on following terms -
 - i) He shall attend concerned Police Station on every Monday and Thursday in between 10.00 am to 1.00 pm and also as and when called by Investigating Officer by written intimation till filing of charge-sheet.

- ii) He shall not contact witnesses in any manner directly or indirectly.
 - iii) He shall not tamper with prosecution evidence or pressurize witnesses in any manner.
 - iv) He shall cooperate the Investigating Agency during investigation.
 - v) He shall not involve himself in any crime.
 - vi) He shall furnish his updated cell phone number, email ID and detail postal address and of his two close relatives.
- 3) Inform concerned police station.
- 4) Copy of this order be sent to Collector of Stamp Pune and Commissioner of Police, Pune for information and necessary action as per observations made in para 7 & 9 of this order.

(Aniruddha Sulbha Subhash Gandhi)

Date : 24/7/2026

Additional Sessions Judge, Pune.

CERTIFICATE

I affirm that, the contents of this P.D.F. file are same, word to word, as per original order.

Name of the Stenographer : Smt. B.R.Jakka (Steno Grade - I)

Court Name : Shri. A.S. Gandhi,
Addl. Sessions Judge, Pune.

Date of Judgment/order : 24/7/2026

Signed by P.O. on : 24/7/2026

Uploaded on : 24/7/2026