

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

**ANTICIPATORY BAIL APPLICATION NO.1172 OF 2012**

Shri Nitin Pramod Same1 ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. A. P. Mundargi, Senior Advocate i/b. Ganesh Gole,  
Advocate, for the Applicant.

Mr. S. R. Shinde, APP, for the Respondent – State.

**CORAM : A. H. JOSHI, J.**

**DATE : 30<sup>th</sup> APRIL, 2013**

1] This is an application for anticipatory bail.

2] This case was heard from time to time. It was adjourned for enabling the parties to arrive at amicable settlement where the complainant's share in the property can be isolated and the dispute can be solved.

3] Applicant is named as accused in F.I.R. Bearing No.I-109 of 2012 dated 20<sup>th</sup> October, 2012 registered with Vasai Police Station, at the instance of John Francis Lemos under Sections 420, 465, 467, 468, 471 and 448 of the Indian Penal Code.

4] Substance of F.I.R. is as follows:-

(a)The applicant has got executed in his favour power of attorney purportedly executed by informant and his brother.

(b) It is alleged that said power of attorney is a forged and fabricated document as the signature of the executants and thumb impression does not belong to the informant, one amongst the executants.

(c) Based on said forged general power of attorney the accused has got the said land converted for N.A. use.

5] It is seen that transaction has partly materialized and the share is the land owned by the informant's brother namely Felix Anto Aruz and all the family members is sold by said group to Nitin Samel, the accused.

6] This Court has dealt with the application for anticipatory bail in Crime No.105 of 2012 for same offences lodged by one of the kins of present first informant.

7] For same reasons this application succeeds.

8] In the result, application is allowed with following directions :

(A) In the event of arrest of the applicant furtherance to F.I.R. Bearing No.I-109 of 2012 dated 20<sup>th</sup> October, 2012 registered with Vasai Police Station, under sections 420, 465, 467, 468, 471 and 448 of the Indian Penal Code, the applicant be released on bail on

sbw

3/3

25.ABA 1172.12

furnishing personal bond and solvent surety in  
the sum of Rs.2,00,000/- (Rupees Two Lakhs).

**( A. H. JOSHI, J.)**

wadhwa