

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 651 OF 2015

Parshuram Sahadev Shinde	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Kiran A. Nikam, Advocate for the applicant.
Mr. S.S. Pednekar, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JULY 15, 2015**

P.C.:

This Application is moved for pre-arrest bail, as the applicant/accused is apprehending arrest in C.R. No. 218 of 2014 registered with Satara Taluka Police Station for offences punishable under sections 420, 465, 467, 468, 470, 471, 472 r/w. 34 of the Indian Penal Code. The complaint is lodged by Chandrakant Shinde, who is police constable.

2. It is the case of the prosecution that the wife of the informant has entered into sale deed of land on 22nd June, 1998 with Rajaram Tukaran Shinde, however, on 30th May 2013, the informant found that false entries of the said land were made in the Land and Revenue Record on the basis of a forged order of Deputy Collector, Resettlement, Satara. On query in the office of Deputy Collector, Resettlement, Satara, it was found that no

such order was passed by the said Deputy Collector and the seal used on the said order was also bogus. Hence, the complaint was given.

3. The learned counsel for the applicant/accused submitted that the applicant is not concerned with this offence in any manner. The applicant has merely acted as a witness, who identified Rajaram Shinde in the sale deed. The learned counsel submitted that the applicant/accused is neither a beneficiary nor vendee/vendor in this case. In support of this, he relied on the unreported judgment of Punjab and Haryana High Court in the case of **Kaliram vs. State of Haryana decided on 25th July, 2013**. He submitted that the informant is a police officer and the applicant is falsely implicated in the present case.

4. Learned APP opposed the Application. He relied on the statements of witnesses especially of Vishal Pratap Patil, Talati of Village Kubi, Taluka Karad, District Satara, who was working in the office at Shivther in 2013, i.e., when the offence was committed. He has submitted that the applicant/accused has committed an offence of forgery, as he has produced forged order of Talati along with one Dnyandev Ramchandra Bhanghe. Learned APP submitted that the applicant is a main culprit. Co-accused Dnyandev withdrew his application and surrendered to the police.

5. Perused the FIR and also the statements. The statement of Vishal Pratap Patil is found relevant. It appears that the said forged order with seal and stamp was produced before Talati along with Deed of Conveyance between Rajaram and Dnyandev. It was produced by the present applicant/accused. His name is specifically mentioned by Talati. In the case of **Kaliram**, the learned Judge of Punjab & Harayana High Court has observed that Kaliram had signed as a witness only and he did not play any role. In the present case, though the applicant is neither a beneficiary nor vendee/vendor, he is facing prosecution for preparation and use of forged documents and he is the one who has presented it before Talathi. This being the forged documents, I am of the view that the custody of applicant/accused is required. It is not a fit case to grant pre-arrest bail. Hence, the Application is rejected.

6. The learned counsel for the applicant/accused submitted that interim bail granted by this Court by its order dated 6th May, 2015 be extended by four weeks, as the applicant wants to challenge this order before the Supreme Court. The applicant was on interim bail in the Sessions Court also.

7. Learned APP opposed this prayer.

8. In view of the submissions that the applicant wants to challenge this order before the Hon'ble Supreme Court, interim protection granted earlier to continue for two weeks, i.e., upto 29th July, 2015.

(MRS.MRIDULA BHATKAR, J.)