

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1034 OF 2015

Suhas Ganpat Chavan	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Harshad Bhadbhade, for the Applicant
Ms. Veera Shinde, APP for the Respondent-State.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: AUGUST 07, 2015

PC.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 420, 465, 467, 468, 471 and 188 read with 34 of the Indian Penal Code in C.R. No. 158 of 2015 registered with Ratnagiri city police station.

2. One Surendra Sawant gave information to the police. Pursuant to which the offence was registered. It is the case of the prosecution that the applicant/accused is a public servant and a scrutiny and the verification officer. He was sent for the measurement

of the land which was a disputed land. However, he accepted an affidavit of one Pramod Sawant, a co-accused and made measurement and the participation of the impugned land. He obtained the signatures of the parties who had interest in the land. The four persons who had signed below the affidavit are died.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused was not aware about the proceeding and the decisions given in the Court proceeding between the parties. He was supposed to verify and make scrutiny about the measurement of the land and he has accepted the persons who have signed on it, as true. He being a Government servant was not aware about the identity of the persons. Therefore, he has not committed the offence of cheating and forgery. He submitted that the applicant/accused may be negligent in verifying the 7/12 extract and mutation entries.

4. The learned prosecutor opposed the application. There was a specific order of the Collector and the Court that the land not to be subdivided. Despite of the said order, the applicant/accused has

carried out the measurement and subdivided and accepted the affidavit of co-accused Pramod Sawant. She relied on the statements of the prosecution witnesses and other documents and opposed the application.

5. Perused the first information report and the affidavit of Pramod Sawant which is alleged to be a forged document. Considering the submissions of the learned counsel and the nature of the offence and the manner in which it is committed, I am inclined to grant pre arrest bail.

6. The interim pre arrest bail granted to the applicant/accused earlier on 24th July, 2015 is hereby confirmed on the same terms and conditions. Now the attendance is to be given till filing of the charge sheet.

7. The anticipatory bail application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)