Anand

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

**ANTICIPATORY BAIL APPLICATION NO.1175 OF 2015**

Gorakh Parshuram Madane .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.R.V.Bansode, Advocate, for the Applicant
Mrs.S.S.Kaushik, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 02.09.2015**

**P.C.**

. Heard learned counsel for the applicant and the learned APP for the respondent – State.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R.No. 139 of 2015 registered with the Phaltan Police Station, Satara, for the alleged offences punishable under Sections 465, 468, 471 r/w.34 of the Indian Penal Code, 1870.

3. According to the complainant-Ashok Nivrutti Kenjale, his uncle Laxman Ramchandra Kenjale expired on 06.02.2011. He has alleged that on 12.07.2015 he received a call from Balu Kenjale, who informed him that a sale transaction had taken place with respect to Gat No.1134 standing in the name of his deceased uncle. The said sale transaction of the land belonging to the deceased had taken place on 19.11.2014 when in fact the deceased had expired on 06.02.2011. The document i.e. registered sale deed of 19.11.2014 allegedly showed that a transaction had taken place between the deceased uncle and one Rijwan Umarkhan Shaikh (original accused No.3). The said sale deed dated 19.11.2014 was registered with the Sub-Registrar, Phaltan on 08.12.2014. According to the complainant, the photograph in the said sale deed of his deceased uncle, was not of his uncle but of some unknown person. He has alleged that

in the said sale deed, the present applicant has signed as witness along with one Mangesh Adhav.

4. Learned counsel for the applicant submits that the applicant is innocent and has no concern with the alleged offence. He submitted that the applicant has not forged any document and that the master mind of the said case is Rijwan Umarkhan Shaikh (original accused No.3). He submitted that the applicant is being made a scapegoat in the said case.

5. Learned APP vehemently opposed the anticipatory bail application. She submitted that the present applicant had introduced Rijwan Umarkhan Shaikh to absconding accused No.1, stating that he is Laxman Ramchandra Kenjale. Pursuant to the same, there was a sale deed which was executed between Rijwan Umarkhan Shaikh (O.A.No.3) and absconding accused No.1,

who purported to be Laxman Ramchandra Kenjale. She submitted that there are documents on record which show that the applicant has forged & fabricated the same. She relied on the Identity Card issued by the Election Commission of India which shows that the purported photograph of the accused No.1 and the elector's name is shown as Laxman Ramchandra Kenjale (deceased). In the said election card, the father's name is shown as Parshuram Madane. According to the learned APP, the said document is a forged and fabricated document. She relied on the Identity Card issued by the Election Commission of India of the applicant himself which shows his name as Gorakh Parshuram Madane and father's name Parshuram Madane. She submits that it is the applicant, who introduced Rijwan Umarkhan Shaikh (O.A.No.3) to the absconding accused No.1, as Laxman Ramchandra Kenjale, pursuant to which a sale deed was entered into between them. She further submitted that in October, 2014, the very same land belonging to Laxman Ramchandra Kenjale was sold to some 3rd party and the said document is a notarized document. She submitted that even in the said document, the present applicant has identified the owner of the said land as Laxman Ramchandra Kenjale (deceased) when in fact, the photograph on the said document is of some third person and different from the person whom he introduced as Laxman Kenjale in the present sale deed. She submitted there are documents which show that the applicant had admitted before the Sub-Registrar that he had introduced Rijwan Shaikh to accused No.1 as Laxman Kenjale.

6. Perused the documents. Prima facie, it appears that the applicant is actively involved in the alleged offence. The applicant has not only identified some third person as Laxman

Kenjale in October, 2014 as is evident from the document which is tendered on record but has also identified the accused No.1 as Laxman Kenjale in the sale deed, which is the subject matter of this case. Thus, this clearly shows that the applicant has identified 2 different persons, as being Laxman Kenjale, in two different sale deeds of 2014 and 2015, with respect to Gat No.1134, when in fact Laxman Kenjale had died in 2011. The applicant, admittedly, belongs to the same village as that of Laxman Kenjale. Laxman Kenjale died in 2011 and the present sale deed was executed in 2015. Thus the said documents coupled with documents on record in the form of Identity Card allegedly issued by the Election Commission of India prima facie, reveal the complicity of the applicant in the commission of forged and fabricated document and other alleged offences.

7. Considering the material on record, this is not a fit case to grant pre-arrest protection to the applicant. The Application is, accordingly, rejected. At this stage, the learned counsel for the applicant states that the applicant is ready to go in for brain mapping and narco analysis tests. That cannot be a ground to grant any protection to the applicant, considering the material on record to show the complicity of the applicant in the case.

8. It is made clear, that if an application for regular bail is filed, learned Judge shall consider the same on its own merits, uninfluenced by the observations made in this order.

**(REVATI MOHITE DERE, J.)**