

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1186 OF 2015**

1. Sushil Amrutlal Nagadev,	
2. Pamibai Nandlal Karada,	
3. Shobha Chetandas Gidwani	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Umesh R. Mankapure for the Applicants

Mr. S. S. Pednekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 11th SEPTEMBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 23 of 2015 registered with the Gandhi Nagar Police Station, Kolhapur, for the alleged offences punishable under Sections 466, 467, 468, 471, 472, 473, 476, 462 r/w 34 of the Indian Penal Code.

3. After arguing for some time, learned Counsel for the applicants, on instructions, states that he does not press the application *qua* applicant No. 1. He submits that the applicant No. 1 will surrender before the concerned Police Station on Monday i.e. 14th September, 2015 at 11:00 a.m. The said statement is accepted.

4. As far as applicant Nos. 2 and 3 are concerned, he submits that the said applicants are ladies aged 66 and 51 years.

5. A complaint was lodged by one Suresh Dinkarrao Gaikwad on 3rd March, 2015, alleging the aforesaid offences. It appears that the applicants had purchased agricultural property in the year 1996 by a registered Sale Deed. It is stated that the said agricultural land did not fall within the Gaothan area and therefore the applicants could not have made sub-plots/fragments and sold the property to various purchasers. According to the complainant, he filed an RTI query with the Circle Officer in 2014, seeking certain documents, by which the fragmented land was sold, when the same was not permissible. It appears that the Certificate dated 15th

May, 2006, on the basis of which the land was divided into sub-plots/into fragments was a forged and fabricated document. According to the complainant, on the basis of this forged and fabricated document, plots which could not have been sold were sold to several persons. It appears that pursuant to the RTI query, an inquiry was conducted as to whether the Certificate dated 15th May, 2006 purportedly issued by the then Talathi, was issued by him or not. An inquiry was conducted and the statement of Talathi was recorded wherein he has stated that he has no connection with the said document/Certificate dated 15th May, 2006; that the signature on the said Certificate was not his and that he had no concern with the said Certificate. It appears that on the basis of this forged and fabricated Certificate dated 15th May, 2006 issued purportedly by the Talathi, sub-plots of the agricultural land were made and pursuant thereto, various Sale Deeds were executed between the applicant and the purchasers.

6. Learned Counsel for the applicants submits that the applicant Nos. 2 and 3 are ladies and housewives and have no concern with the alleged offences.

7. Learned A.P.P states that the document/Certificate on the basis of which the land was sold after dividing the same into sub-plots, is clearly a forged and fabricated document and for which custodial interrogation is necessary. Since applicant Nos. 2 and 3 are ladies, he does not press for their custody.

8. Perused the papers. *Prima facie*, the document i.e. Certificate dated 15th May, 2006, appears to be a forged and fabricated document. Only considering the fact that the applicant Nos. 2 and 3 are ladies, the application is partly allowed on the following terms and conditions :

ORDER

(i) In view of the statement made by the learned Counsel for the applicants as recorded in para 1 of this order, application is allowed to be withdrawn *qua* applicant No. 1. The applicant No. 1 to surrender before the concerned Police Station on Monday i.e. 14th September, 2015 at 11:00 a.m.

(ii) In the event of the arrest, the applicant Nos. 2 and 3 be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount ;

(iii) The applicant Nos. 2 and 3 shall attend the concerned Police Station on every Saturday between 10:00 a.m. to 11:00 a.m. for a period of one month;

(iv) The applicant Nos. 2 and 3 shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.

(v) The applicant Nos. 2 and 3 shall inform their latest place s of residence and mobile contact numbers immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

9. The Application is partly allowed in the aforesaid terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.