

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 665 OF 2015

Roshan Vishnu Patil	... Applicant
Vs.	
The State of Maharashtra	... Respondent

ANTICIPATORY BAIL APPLICATION NO. 668 OF 2015

Kuldip Vishnu Patil	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Prakash Naik i/b. Mr. Jagdish G. Reddy (Aradwad), Advocate for the applicant in ABA/665/2015.

Mr. D.J. Shejul i/b. Mr. Dharmanath Nama Gondhali, Advocate for the applicant in ABA/668/2015.

Mr. S.S. Pednekar, APP for the respondent/State in ABA/665/2015.

Mrs. R.V. Newton, APP for the respondent/State in ABA/668/2015.

Mr. V.V. Purwant, Advocate for the complainant.

I.O. Mr. B.M. Raikar, A.P.I., Panvel City Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JULY 8, 2015**

P.C.:

These two Application for pre-arrest bail are heard together and disposed of by a common order. The applicants/accused are facing charges in C.R. No. I-7/2012 which was registered pursuant to the directions given by Judicial Magistrate First Class, Panvel under section 156(3) of Cr. P.C. in Criminal Case No. 410 of 2012. The allegations levelled against them are under sections 418, 421, 466, 468, 471, 473 r/w. 34 of the Indian Penal Code.

2. It is the case of the prosecution that one Nilkanth Chandar Patil, who happens to be grandson of Chirbut Patil and cousin of applicants/accused, has given information to the police that his cousin Bhagwan Buddaji Patil has committed fraud and by producing forged and false documents has obtained all the benefits under 12.5% Scheme of CIDCO. The ancestral land which inherited from Chirbut Patil were acquired by CIDCO and therefore, all legal heirs of Chirbut including sons and grandsons of Chandan and Buddaji are entitled to get equal share and benefit of the scheme. Bhagwan obtained fraud heir-ship certificate for Kuldeep and Roshan. He also filed fraud documents and gave false statement to CIDCO showing as if he has authority to represent all and became a sole beneficiary of the scheme. Nilkanth has filed a Civil Suit against Bhagwan. The allegations against the present applicants/accused are in respect of obtaining forged heir-ship certificate from 4th September, 2008 from Civil Court, Uran. The certificate per se is forged. However, *prima facie* I have to see whether the applicant/accused have doctored the said forged certificate or not.

3. The learned counsel for the applicants/accused have submitted that they are not aware of forged certificate and how it was obtained. They filed an application for heirship certificate in the year 2011 before the Civil Judge Junior Division, Panvel. They are not beneficiary under 12.5

scheme. It is Bhagwan who has done everything.

4. Learned APP and learned counsel for the complainant opposed this Anticipatory Bail Application on the point that the applicants/accused have waived off their right in favour of Bhagwan and they were hand-in-glove with Bhagwan.

5. Perused the FIR. Considering the allegations made in the FIR, Bhagwan is prima facie an author of all the offence and further nothing is brought on record by the prosecution or learned counsel for the complainant to show that the applicants/accused have either procured or used this forged document anywhere. In view of this, I confirm the interim pre-arrest bail granted on 7th May, 2015. The applicants/accused are directed to attend the concerned police station on every Monday between 4 p.m. to 7 p.m. for one month, i.e., till 15th August, 2015.

6. The Application stands disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)