

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1100 OF 2015**

Arun Sidram Nandurkar
Versus
The State of Maharashtra

...Applicant

...Respondent

Mr. V. V. Purwant for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 6th OCTOBER, 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. 182 of 2015 registered with the Sadar Bazar Police Station for the alleged offences punishable under Sections 464, 465, 467, 468, 471, 420 r/w 34 of the Indian Penal Code.
3. The applicant at the relevant time, when the offences are alleged to have been committed, was serving as an Assistant Commissioner in the Social Welfare Department of Solapur. According to the

complainant-Meghraj Rajkumar Bhate, Social Welfare Officer, he received a complaint application from one Surendra Yellappa Gaikwad. In the said complaint application submitted by Surendra Gaikwad, it is alleged that a plot of land belonging to the Government i.e. of the Social Welfare Department being Plot No. 6A-232 was usurped by the applicant by preparing forged and fabricated documents. In the said complaint application, it is alleged that the applicant had prepared forged and fabricated documents to show, the existence of a non-existing plot, being Plot No. 232-B and had prepared 7/12 extracts in support thereof, to show the existence of the said Plot No. 232-B. Pursuant to this complaint application filed by Surendra Gaikwad with the Social Welfare Department, the said complaint came to be investigated and it was found that the present applicant had created forged and fabricated documents to show the existence of a non-existing plot. Infact, on the basis of the said forged and fabricated documents, the applicant sold the said plot, by entering into a Sale Deed with some third party. It is alleged by the complainant that the applicant had committed the said fraud during the period June, 2010 to December, 2013, when he was serving as an Assistant Commissioner in the Social Welfare Department of Solapur.

4. Learned Counsel for the applicant submitted that the applicant has been falsely implicated in the said case, because of the enmity relations between the applicant and Surendra Gaikwad. He relied on certain documents annexed to the application in support of his contention that the 7/12 extract clearly shows that the land was transferred in the name of the applicant's father in the year 1954 and thereafter from the applicant's father to the applicant and his brothers. He submits that there are entries from 1954 which show that Gat No. 232-B was in existence and stood in the name of his family. According to the learned Counsel for the applicant, on 4th March, 2013, a property extract was obtained which shows the name of the applicant's father in the said document in connection with plot No. 232-B. He submitted that even otherwise, the custody of the applicant is not required considering that all the documents pertaining to the said offence are with the police.

5. Learned A.P.P opposed the bail application. The learned A.P.P has filed an affidavit of Devadatt Arjun Godase, Police Sub-Inspector, Sadar Bazar Police Station, Solapur. It is stated in the said affidavit that the present applicant during the period June, 2010 to December, 2013, when he

was serving as an Assistant Commissioner of Social Welfare Department of Solapur, had tampered and forged records with regard to the said plot No. 232/B, belonging to the Government i.e. Social Welfare Department. It is stated that the applicant had created a non-existent and bogus plot on record by tampering and forging entries with regard to the said plot and had created documents by entering the name of his father as an owner of a non-existing plot. It is stated that the original book of Register shows that by making an entry of the said fake and false plot, record was created. The said register has been seized during investigation under the Seizure panchnama. It is also stated that during the course of investigation, the letter of Tahsildar, North Solapur was obtained wherein, the said Authority had ordered cancellation of the registration of the said plot, after conducting a detailed inquiry. It is also stated that the Assistant Engineer, Construction Permission Department, Municipal Corporation, Solapur had inadvertently granted permission for construction on the said plot, however, the same was subsequently cancelled.

7. Perused the papers of investigation. Considering the nature of allegations qua the applicant, *prima facie*, it appears that the documents

have been forged and fabricated and that a plot is created being Plot No. 232-B by showing its existence on paper. Pursuant to the creation of a non-existing plot, Government land was usurped by the applicant by tampering with the land record and by carrying out mutation entries subsequent to the same. The applicant at the relevant time was serving as an Assistant Commissioner with the Social Welfare Department of Solapur.

8. As far as other co-accused are concerned, they are the brothers of the applicant who had given their no objection and as such they were granted anticipatory bail. *Prima facie*, it appears that the present applicant as an Assistant Commissioner of the Social Welfare Department had custody of the land records and as such conspired with other accused and tampered, forged and created a bogus plot bearing No. 232-B in a Free Settlement Colony of Solapur. Infact, the record shows that the original plot bearing No. 6-A/232 is Government property belonging to the Social Welfare Department and the applicant by creating the said documents had tampered with the land records and on the basis of the tampered record, had created fake entries in the 7/12 extract, to show its existence. There is also no substance in the submission of the learned Counsel for the applicant that

he has been falsely implicated by Surendra Gaikwad, because of his enemical relations with the applicant. It is pertinent to note, that the aforesaid complaint has been lodged by Meghraj Bhate, Social Welfare Officer, after conducting an investigation into the allegations made by the said Gaikwad.

9. Considering the nature of allegations which are serious and the gravity of the offence, custodial interrogation of the applicant is necessary to find out which other Government Officials are involved in the said act. Considering the aforesaid, this is not a fit case to exercise the discretionary relief under Section 438 Cr. P. C and accordingly, the application is rejected.

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

REVATI MOHITE DERE, J.

CERTIFICATE

Certified to be true and correct copy of the original signed Order.
