

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 5263 of 2016

District : Jalgaon

Sunil s/o. Nivrutti Patil,
Age : 42 years,
Occupation : Agriculture,
R/o. Tahakli,
Taluka : Bhusawal,
District : Jalgaon.

.. Applicant.

versus

1. The State of Maharashtra,
Through Varangaon Police
Station,
Taluka : Bhusawal,
District : Jalgaon.

2. The Dy. Superintendent of Police,
Muktainagar Sub-Division,
District : Jalgaon.

.. Respondents.

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*Mr. P.P. More, Advocate, holding for
Mr. A.M. Gholap, Advocate, for the applicant.*

*Mr. A.S. Shinde, Addl. Public Prosecutor, for
respondent nos.1 and 2.*

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CORAM : A.M. BADAR, J.

DATE : 4TH OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 53/2016

registered with Police Station, Varangaon, Taluka Bhusawal, District Jalgaon, for offences punishable under Sections 420, 465, 466, 468 and 471 of the Indian Penal Code, by this application, is seeking pre-arrest bail.

2. Heard the learned Counsel appearing for the applicant / accused. By drawing my attention to the complaint dated 03.08.2016, submitted to the Deputy Superintendent of Police, Muktainagar, on 04.08.2016, the learned Counsel argued that in fact, wife of the applicant had informed the Police regarding misdeeds of vendors namely Dipak s/o. Mohan Vizar and Rajesh s/o. Devidas Jadhav. It is argued that sale deed of the land in question was got executed by pressurizing the applicant and forged 7/12 extracts were in fact prepared by Dipak Vizar and Rajesh Jadhav. However, they are not arraigned as accused in this case. It is further argued that the sale deed at page 13 shows common transaction in the names of Rajendra Jadhav and Dipak Vinzar. My attention is also invited to the area of the land in question and it is argued that as the applicant is not involved in the crime in question, he is entitled for pre-arrest bail.

3. The learned Addl. Public Prosecutor opposed the application by contending that the applicant is the ultimate beneficiary of the transaction in question and he has even encashed the cheques

received by him towards consideration.

4. Perusal of the FIR lodged by Sunil s/o. Vasant Kumbhar, Talathi of village Tahakali shows that sale deed was handed over to him by Rajendra Jadhav and Dipak Vinzar for mutation of the land in question. The Talathi reported that the said sale deed was executed by Sunil s/o. Nivrutti Patil i.e. present applicant in favour of Rajendra Jadhav and Dipak Vinzar. It is further reported that upon examination of the revenue record, it was found that the land is owned by Nivrutti s/o. Sitaram Patil and not by the present applicant. The Talathi further averred that the 7/12 extract was forged in order to show name of the present applicant as owner of the field in question and that is how sale deed came to be executed.

5. This lodgment of the report was preceded by a complaint lodged by Ranjana Patil - wife of the present applicant, with Deputy Superintendent of Police, Muktainagar, with an allegation that Dipak Vinzar and Rajesh Jadhav are indulging in illegal money lending transaction and they forced her husband to execute the sale deed in question and then even consideration was taken back by them. Be that as it may, record prima facie shows that it was the applicant who got executed the sale deed of the land in question and for executing the sale deed, forged

7/12 extract was prepared. Two cheques were received by the applicant towards consideration and those cheques were in fact encashed by the applicant. As such no substance is found in contention that the applicant is not involved in the crime in question. The crime in question is serious involving forgery of Government record for illegal gain. The investigator may in future decide, whether to array the purchaser of the land in question as accused in the crime in question.

6. In this view of the matter, no case for pre-arrest bail is made out.

7. The Application is accordingly rejected.

(A.M. BADAR)
JUDGE

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