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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.287 OF 2016

R.P. Pawar ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr.Niranjan Mundargi i/b. Devidas J. Jadhav for the applicant.

Mr.Y.M.Nakhwa, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 15TH JUNE, 2016

P.C. :-

1. The applicant / accused in Crime No.18/16 for offences punishable under section 166, 167, 464, 465, 466, 467 read with 34 of the Indian Penal Code registered with Malshiras Police Station, Solapur at the instance of Pirmohammed Abdulhamid Shaikh, Resident Naib Tahsildar on 22nd January, 2016 by this application is praying for pre-arrest bail.

2. Heard the learned counsel appearing for the applicant. By pointing out the preliminary inquiry conducted

by the Revenue Department prior to lodging the F.I.R., he argued that no role can be attributed to the applicant in the alleged offence of tampering the 7/12 extracts as well as revenue record of Gut No.99 of Village Dahigaon. He further argued that it was the present applicant who has pointed out suspicious documents to the superior officers and requested for conducting inquiry.

3. As against this, the learned APP pointed out photocopies of the revenue record and contended that tampering of 7/12 extracts as well as revenue record is writ large on the face of the document. The learned APP further argued that statement of Rajendra Salve and Sanjay Shingne goes to show that revenue record is tampered by the applicant, who at the relevant time was working as Talathi.

4. Perused the F.I.R. lodged by the Resident Naib Tasildar. The F.I.R. refers to the communication of Law Officer working in the office of the Collector, Solapur and makes it clear that the F.I.R. is being lodged only as per the instructions from the office of the Law Officer. The F.I.R. contains recitals that 7/12 extracts as well as the original revenue record is

tampered by S.M. Adgale, Resident Naib Tahsildar, R.P. Pawar (present applicant) as well as Tanaji Phule and Suryaji Phule.

5. Perusal of the letter dated 28th December, 2015 issued by the Law Officer from the office of Collector which has resulted in registration of the F.I.R. goes to show that on conducting necessary inquiry, the Law Officer gave a categorical finding in para 4 of that letter to the effect that S.M.Adgale, the then Resident Naib Tahsildar had initially inspected the revenue record of Gut No.99 by visiting the record section. That letter further mentions that said Adgale had asked Prakash Khadakhade and Wajid Inamdar, employees in the record section to bring the revenue record of Gut No.99 to his chamber. The letter of Law Officer further mentions that thereafter those employees took the record of Gut No.99 to the chamber of Adgale, Resident Naib Tahsildar and thereafter said Adgale had unauthorizedly tampered the revenue record and added names of Tanaji Phule and Suryaji Phule therein. Para 5 of the letter mentions that the present applicant along with Tanaji and Suryaji conspired for tampering the revenue record of Gut No.99 of village Dahigaon. The letter does not depict any material prima facie

demonstrating conspiracy.

6. It is seen that much prior to the registration of the F.I.R. as well as inquiry by the Revenue Department, on 9th June, 2015 itself the present applicant has submitted report to the Tahsildar to the effect that there appears to be tampering in revenue record of Gut No.99 of village Dahigaon.

7. Statement of Rajendra Salve relied by the learned APP is to the effect that the present applicant was having custody of the revenue record and the keys of the cupboard wherein it was kept. Sanjay Shingne reports his inference.

8. In the light of this factual backdrop irrespective of the fact that it is seen that the revenue record of Gut No.99 is tampered, prima facie involvement of the present applicant in tampering is doubtful in the wake of categorical finding to that effect by the Law Officer working with the office of the Collector. Considering this nature of evidence against the present applicant, his custodial interrogation is not warranted and hence the order :-

- (i) The application is allowed;
- (ii) The order dated 16th February, 2016 granting ad-interim anticipatory bail is confirmed on the same terms and conditions;
- (iii) In addition, the applicant / accused shall attend Investigating Officer on 11.00 a.m. between 1.00 p.m. on every Sunday
- (iv) till the filing of the charge-sheet and he shall co-operate the Investigating Officer in investigation of the crime in question;
- (v) The applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against the applicant so as to dissuade him from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence;
- (vi) The applicant / accused shall inform his latest place of residence and cell number after his release and continue

to inform the change in residence or cell number, if any, from time to time to the Investigating Officer of the concerned police station and on filing the charge-sheet to the concerned Court;

(vii) The applicant / accused shall co-operate for expeditious disposal of the trial;

(viii) The applicant / accused shall not commit an offence similar to the offence of which he is accused or suspected of the commission;

(ix) The applicant / accused shall not leave India without the prior permission of the concerned Court;

(x) The application is disposed of accordingly.

(A.M.BADAR, J.)