

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.125 OF 2014

Sri Sri Gurudev CHS Ltd. & Anr. ... Applicants
Vs.
The State of Maharashtra & Ors. ... Respondents

ALONGWITH
CRIMINAL APPLICATION NO.126 OF 2014

Sri Sri Gurudev CHS Ltd. & Anr. ... Applicants
Vs.
The State of Maharashtra & Anr. ... Respondents

Mr. Ashok Mundargi, Sr. Adv. a/w. Shriniwas Patwardhan, Adv. for the applicant in ABA.

Mr. Amit Desai, Sr. Adv. a/w. Saket Mone, Adv. a/w. S. Chakraborti, Adv. i/b. Vidhi Partners for applicant in APPLN No.125 and 126 of 2014.

Mrs. G.P. Mulekar, APP for the State.

Mr. Manoj Mohite, Adv. a/w. Purushottam Chavan, Adv. for respondent No.2 to 4 in APPLN No.125 and 126 of 14 and original complainant in ABA No.641 of 2014.

Mr. P.L. Nalwade, Police Officer present.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 15th February, 2016.

P.C. :

1. By these applications, the complainant in Crime No.9 of 2014 registered at Warje, Malwadi, Pune has sought cancellation of bail granted to the respondent Nos.2 to 4 vide order dated 7th March, 2014 in bail application No. 364 of 2014.

2. The case the prosecution in brief is that, the applicant along with the other co-accused had forged and fabricated 7/12 extracts of the property under survey No.3/1 and 287/9 within the jurisdiction of Pune city and thereafter entered into a sale transaction dated 1st February, 2012 in respect of both the said properties. It is alleged that by the said sale deed, the applicant has purchased the property which was already purchased by the complainant in the year 2008. The complainant Jayant Lunawat had therefore lodged a FIR pursuant to which the aforestated crime was registered. Apprehending his arrest, the applicant had filed an application for anticipatory bail before Sessions Court, Pune. The said application came to be allowed vide order dated 7th March, 2014 passed by the Addl. Sessions Judge, Pune.

3. Aggrieved by the said order, the applicant herein has sought cancellation of bail mainly on the ground that accused in Criminal Application No.126 of 2014 had filed false affidavit before the Sessions Court or had obtained interim pre-arrest bail by filing a false affidavit. It is further stated that the other applicants had entered into criminal conspiracy with the applicant Narayan Dharade, Talathi in fabricating and forging 7/12 extracts.

4. Mr. Desai, the learned senior counsel has argued that the applicant Mr. Dharade had at relevant time forged and fabricated 7/12 extract by not showing the mutation entries in favour of the applicants. He has further submitted that though the applicant had stated that the said error was due to mistake and that he had rectified it in the year 2013, the copy of 7/12 extract issued in the year 2012 gives all the relevant details which fact prima facie indicates that the applicant Mr. Narayan Dharade, had filed a false affidavit before the Court. The learned senior counsel Mr. Desai has further submitted that said forged and fabricated extracts were obtained day before entering into the sale transaction and it is therefore necessary to ascertain the role played by the other applicants being the erstwhile owners of the said land, in entering into the said conspiracy.

5. Mrs Mulekar, the learned APP for the State submitted that the investigation as against these applicants is already completed and that chargesheet is filed on 11th August, 2014.

6. In the light of the statement made by the learned APP for the State it is evident that the investigating agency has not accepted explanation given by the said talathi Narayn Dharade and hence the

chargesheet has already been filed. The investigating agency does not require the presence of the applicants for the purpose of investigation. Even otherwise no grounds are made out for cancellation of bail.

7. In the light of the above, the applications are dismissed.

(ANUJA PRABHUDESSAI, J.)