

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.495 OF 2016**

Chandrakant Ramchandra Raul

.. Applicant

vs

The State of Maharashtra ..

.. Respondent

with **CRIMINAL APPLICATION NO. 366 OF 2016**
(for intervention)

in

ANTICIPATORY BAIL APPLICATION NO.495 OF 2016

1. Netaji Tanaji Sangale

2. Dhanaji Tanaji Sangle

.. Intervenors

Mr.C.J.Sabnis Patil I.b Mr.Ravi Jadhav for Applicant

Mr.Arfa Sait Additional Public Prosecutor for State

Mr.Sushant Prabhune a/w Mr.Kamlesh Mishra for Intervenor

Mr.S.N.Jadhav PSI Barshi police Station, (Solapur city) present

CORAM: A.M.BADAR, J

DATE: 1st AUGUST, 2016

P.C.

1. Applicant/accused in Crime No.71 of 2016 for the offences punishable under sections 420, 467, 468, 471, of the Indian Penal Code and section 82 and 83 of the Registration Act, registered at police station Barshi District Solapur at the instance of the Deputy Registrar is seeking pre-arrest bail.

2. Heard learned counsel for the Applicant/accused. He

argued that initially there was a transaction in respect of some other land but, subsequently the Applicant had decided to purchase land from Gat Nos.998 and 996 from village Kari in Barshi by adjusting advance which was already paid to his vendors. Accordingly, a sale deed came to be executed in the year 2013 by accepting the entire consideration by his vendors. After a lapse of more than two years, his vendors started making complaints to the revenue authorities which has resulted in registration of the crime in question. Learned counsel for the Applicant argued that the entire job of executing the Sale Deed was entrusted to his vendors and therefore, he had no role in the alleged crime.

3. Learned counsel for the Applicant further argued that the entire transaction was reported by him to his superior Officer and returns as required by Service Rules were also filed.

4. The learned APP opposed the application by submitting that for getting the Sale Deed registered the Applicant has used forged 7/12 Extracts of field Gat No.809 of village Kari owned by Shinde Brothers. The learned APP also argued that no intimation of acquisition was reported by the Applicant to his superior officers as

required by Service Rules.

5. I have also heard learned counsel appearing for the vendors of the present Applicant named as Netaji Sangle and Dhanaji Sangle. It is argued that fraud is committed by the present Applicant by using forged 7/12 Extracts for getting the Deed of Conveyance executed.

6. Perused record made available as well as affidavit filed by present Applicant-Chandrakant Ramchandra Raut so also of the Investigating Officer.

7. It is seen that by a Deed dated 26 April 2013 about 1.40 hectares land from Gat nos.998 and 996 came to be purchased by the present Applicant for valuable consideration from the Intervenor - Netaji Sangle and Dhanaji Sangle. At that time both these Intervenor have not made protest that 7/12 Extracts used for showing the Applicant as an 'Agriculturist' is a forged one. It needs to be mentioned here that both Intervenor i.e. Netaji Sangle and Dhanaji Sangle are 'Agriculturists' residing in village Kari in Barshi of District Solapur. Being 'Agriculturists' they must be knowing as to

who was the owner of field Gat No.809 of village Kari. Still they participated in execution and registration of the Sale Deed in favour of the present Applicant.

8. Be that as it may, the question will be whether the custodial interrogation of the Applicant is necessary for the offence of the present nature ? It is not in dispute that the present Applicant is a public servant and as such, he cannot flee from the course of justice. The entire offence is based on documentary evidence. As the Applicant is in service of Zilla Parishad there is no possibility of tampering of record of the revenue authorities by him. In this view of the matter, pre-trial detention of the present Applicant is not warranted. Hence the following order:

ORDER

- (i) Application is allowed.
- (ii) Ad-interim Anticipatory Bail Application granted in favour of the Applicant on 22 March 2016 is confirmed on same terms and conditions.
- (iii) 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;

(iv) Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of accusation against them so as to dissuade them from disclosing such facts either to the Court or to any Police Officer and that he shall not tamper with the evidence;

(v) Applicant/accused shall co-operate for expeditious disposal of the trial;

(vi) Applicant shall co-operate with the Investigating Officer by visiting the concerned police station as and when reasonably called.

In view of disposal of the main application, interim applications if any stands disposed of.

(A.M.BADAR, J)