

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1591 OF 2016

Shri Sitaram Balu Kedari	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Rajesh R. Gawali, Advocate for the applicant.
Mr. S.H. Yadav, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 27th September, 2016.

P.C.

1. Heard. This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending his arrest in Crime No.384 of 2016 registered at Baramati Police Station for the offences punishable under Sections 420, 201, 465, 468 of the Indian Penal Code.

2. It is the case of the prosecution that Amarsinha Patil. lodged a report at the police station alleging therein that the present applicant, Santish Bhondve and Vishwas Patil had forged and fabricated the Map of Gat No.211 and had used the seal of the

Government and hence have committed an offence of cheating. The allegation is that on 26.3.2016, Satish Bhondve had filed an application before the Minister of State alleging therein that the present applicant was entrusted with the work of measuring and demarcating the disputed land. That he had forged and fabricated a false map. The Minister of State had directed that there should be an enquiry into the said complaint. Accordingly, the inquiry was held. On 21.6.2016, the DILR had recorded the statements of all concerned. It was revealed that the Map annexed along with the application filed by Satish Bhondve in respect of Gat No.211 was a sham document and that the seal of the Government was used. Satish Bhondve has been arrested on 12.8.2016. He has been remanded to judicial custody.

3. Perused the papers of investigation. The statements of the office-bearers of land records would clearly indicate that on 1.10.2016, Satish Bhondve had filed an application for measurement of the land situated at Gat No.211. He had paid Rs.9,000/- by way of challan. The work was entrusted to one Mr. Hilale. The date for measurement of the land was 26.5.2016. It is pertinent to note that the said land

was within the said area was assigned to Mr. Hilale, the preset applicant was entrusted the said job on 26.5.2016. Mr. Hilale had been to the spot and had carried out his duty. he then found various discrepancies in the Map which was submitted by the applicant and the measurement taken by him. There is sufficient material to indicate that the present applicant has committed the offence of forgery and fabrication of the documents by abusing the powers entrusted to him. Hence, the applicant does not deserve the discretionary relief under Section 438 of Cr.P.C.

4. The above observations are restricted to an application under Section 438 of Cr.P.C. only.

5. The application being sans merits, stands rejected.

(SMT.SADHANA S.JADHAV, J.)