

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1918 OF 2016

Jayantilal Popatlal Shah/Parekh & Ors.	.. Applicants
Versus	
The State of Maharashtra	.. Respondent

Mr. R.D. Suryawanshi, Advocate for the Applicant.
Ms. N.S. Jain, A.P.P. for the Respondent – State.

CORAM : N.W. SAMBRE, J.

DATED : 22nd NOVEMBER, 2016.

P.C. :

1 The complainant claiming to be the owner of the property being Gat No.384 alleges fraud in the matter of transfer of the said property resulting into registration of Crime No.76 of 2016 for the offences punishable under sections 420, 465, 468, 471, r/w. 34 of the I.P.C.

2 It is required to be noted from the factual matrix of the case that out of said Gat/survey No.384 land admeasuring 2 acres 83 gunthas was sought to be transferred by virtue of bogus 7/12 extract.

3 The learned counsel for the applicant while trying to make out the case for bail would urge that there is title in favour of the present applicant's father and as a consequences thereof what has been done is only correction in the mutation entry. According to him, the entire offence is based on documentary evidence and as such the custodial interrogation is not necessary.

4 Perused the investigation papers and other material available on record prima facie what could be gathered is the applicants have relied upon on a forged 7/12 extract as could be inferred from the investigation papers for the purpose of transfer of the land in question.

5 Apart from above, even though the offence in question is based on entirely documentary evidence, still in my opinion no case for grant of pre-arrest bail is made out as the prima facie it could be inferred that the documents were manufactured and used for the purpose of transfer of the valuable property. In that view no case is made out. The application is rejected.

(N.W. SAMBRE, J.)