

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1737 OF 2015

Prafulla Sunil Ikhankar
(Sonar) & Others ..Applicants
V/s.
The State of Maharashtra .. Respondent

**WITH
CRIMINAL APPLICATION NO.1005 OF 2015
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1737 OF 2015**

Shivaji Pandurang Sul ..Applicant
V/s.
The State of Maharashtra .. Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1741 OF 2015**

Suresh Sakharan Dende & Ors. ..Applicants
V/s.
The State of Maharashtra .. Respondent

**WITH
CRIMINAL APPLICATION NO.1009 OF 2015
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1741 OF 2015**

Shivaji Pandurang Sul ..Applicant
V/s.
The State of Maharashtra .. Respondent

Mr. V.V. Purwant for the applicant in ABA No.1737 of 2015.
Mr.Milind Deshmukh for the applicant in ABA No.1741 of 2015
Mrs. Veera Shinde APP for the Respondent-State.
Mr.Savita A. Prabhune for the Intervenor in APPP. 1005/2015 and
1009/2015.

CORAM : A.M. BADAR, J.

DATE : 07th JUNE, 2016.

P.C.

1. The applicants/ accused in Crime No.286 of 2015 for the offences punishable under sections 420, 465, 467 read with 34 of the Indian Penal Code, 1860 registered with Yevat Police Station, Baramati by this application are praying for pre-arrest bail.

2. Heard the learned counsel appearing for the applicants. According to the learned counsel appearing for the applicants, a Co-operative Housing Society was formed for providing facility of housing to its members after purchasing plot of land. According to the learned counsel, owner of the said plot of land had got it converted into non-agricultural use after following due process of law and on getting building plan sanctioned, flats and shops were constructed and one Sugriv Apparao Khandale was allotted one flat. However, without seeking permission of the Housing Society, he had sold it to Shivaji Pandurang Sul-Informant herein. The learned counsel

for applicants further argued that informant is in arrears of loan on the flat which is mortgaged with the bank. He further argued that informant Sugriv Khandale had mortgaged that flat with the bank though loan of Government is still outstanding. According to the learned counsel for the applicants in order to create trouble in the society, said Khandale had set up the informant for lodging the false FIR against them.

3. As against this the learned APP argued that without leaving open space, the Co-operative Societies had constructed five-three storied building with total 80 flats and 12 shops. The learned APP further argued that non-agricultural permission was sought for row-houses but five buildings were constructed by the society of which the applicants are Director.

4. I have also heard the learned counsel appearing for the informant. By placing reliance on judgment in the matter of The State of Maharashtra V/s.Esasar Ahmedkha and Anr. reported in 2013 ALL. M.R.(Cri)3984, the learned counsel for the informant submitted that applicants have forged the layout

plan as well as seal of the Government and they committed forgery of the Government seal attracting the provisions of Section 255 of the Indian Penal Code which is offence punishable with life imprisonment. She further argued that even 7/12 extract are also forged by the applicants.

5. Perusal of FIR goes to show that the informant had averred that Directors of the Co-operative Societies have not left open space an admeasuring 1032.75 sq.mt., space for road admeasuring 2171.66 sq.mt. and amenity space admeasuring 1547.10 sq.mt. Instead of constructing row-houses five-three storied building comprising of 80 flats and 12 shops are constructed and those are sold on stamp paper of Rs.200/-. In addition to this it is further averred in this FIR that Architect Suhas Gore has prepared forged map of Plot No.12 and put a seal of Sub-Divisional Officer, Baramati on it. The FIR contents averments that the said seal is forged.

6. Considering the averments made in the FIR, I am of the opinion that custodial interrogation of the applicant is not at all

warranted. The alleged offence is based purely on documentary evidence. Allegation of forgery are made against the architect and not the present applicants. Even otherwise the averments made in the FIR can be taken care of, if they are correct, by the authorities under the Maharashtra Regional Town Planing Act. The letter dated 30-09-2015 issued by the Desk Officer of the State Government, shows that revised building plan submitted by the society are sanctioned and therefore the State Government has sanctioned Housing Loan to the members of the Co-operative Housing Society of which applicants are Director. Therefore, this is a fit case to protect liberty of applicants and therefore, order.

ORDER

(i) The order granting ad-interim anticipatory bail is to the applicants is confirmed on same terms and conditions.

(ii) Applicants/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of

accusation against him 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;

(iii) Applicants/ accused shall co-operate for expeditious disposal of the trial;

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

(v) Because of the disposal of this application, pending applications if any are disposed of.

(A.M. BADAR, J.)