

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 79 OF 2017

Sandesh Ramchandra Nage ...Applicant

Versus

State of Maharashtra & Anr. ...Respondent

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Ms.Lakshmi Raman for the Applicant.

Mr.S.H.Yadav, APP for the State-Respondent

Mr.D.M.Jagtap, Police Hawaldar, Goregaon Police Station, Raigad
(present)

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CORAM: MRS.MRIDULA BHATKAR,J.

DATE : 8th March 2017

P.C.:

1. This application is moved for pre-arrest bail as the applicant-accused is facing charges under sections 420, 423, 463, 464, 465, 466, 467, 468 and 471 read with 34 of the Indian Penal Code in C.R. No.71 of 2016 registered with Goregaon Police Station, Raigad. The offence is registered at the instance of Smt. Zahida Shafiq Jalgaonkar.

2. It is the case of the complainant that her brother and his family are residing at Doha Kattar and they wanted to buy lands in District-Raigad. Therefore, a Power of Attorney was executed in her name by her brother. Complainant knew the applicant-accused and, therefore, she contacted him and purchased nearly 47 lands,

admeasuring about 25 acres, from village Ambarle for her brother from the applicant-accused. It is the case of the complainant that she has purchased all the lands by registered Sale Deed dated 11th September 2009 for a total consideration of Rs. 13,44,500/-. At the time of execution of the said Sale Deed, the applicant-accused handed over '7/12 Extracts' in respect of 24 survey numbers to the complainant, wherein the names of all family members of the complainant were shown and the applicant-accused had promised the complainant that he would handover '7/12 Extracts' in respect of remaining 23 survey numbers very soon. In the year 2012, the complainant has realized that the applicant-accused has cheated her, as all the 47 survey numbers did not stand in her name, though she was the owner of all the 47 survey numbers. The applicant-accused sold those lands to the complainant; however the survey numbers, which were mentioned in the original Sale Deed, and the '7/12 Extracts' in respect of the said survey numbers were found to be bogus and forged. Thereafter, the complainant has lodged a complaint against the applicant-accused.

3. The learned counsel for the applicant-accused submits that the applicant-accused is innocent and he has not committed any forgery. The '7/12 Extracts' were prepared by the office of the

Talathi, who is responsible for this forgery. Applicant-accused has not committed any cheating. The learned counsel for the applicant-accused further submits that the complainant had entered into a transaction with the applicant-accused in September 2009. She realized about the alleged fraud in the year 2011; however, she approached the police and gave information about the said alleged fraud in the month of December 2016. Hence, there is inordinate delay caused in registration of the FIR. She further submits that the family members of the complainant lodged a false complaint in the year 2014-2015 in respect of the same lands. By letter dated 26th May 2016 addressed to the Superintendent of Police, Alibag, Raigad, the applicant-accused has lodged a complaint against the complainant, her brother, wife of the brother and family members of the complainant, for committing the offences of extortion, forgery and fabrication of documents and cheating under IPC.

4. The applicant-accused belongs to the scheduled caste category and, therefore, a complaint was also lodged for commission of the offence under Section 3(i)(v) and 3(i)(xv) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. The transactions took place in respect of the said Sale Deeds of all those lands were between the complainant and the owners of those 47 survey

numbers. She has further submitted, as a counter blast, that the complainant has filed a false complaint against the applicant-accused.

5. The learned A.P.P. has pointed out that the Investigating Officer has recorded the statements of seven persons, who are the owners of different survey numbers. He relied on the statements of Kashiram Babu Ubhare and Raju Vijay Gokhale. It appears from the said statements that these farmers have never sold their respective lands to the applicant-accused. However, the applicant-accused represented to the complainant that he is the owner of those survey numbers and has entered into all the bogus Sale Deeds. The learned A.P.P. has further submitted that there are nearly 20 cases pending against the applicant-accused of the same nature. Talathi Saza Pahel R.V. Mahale has already been arrested in this case and, therefore, custody of the present applicant-accused is necessary, in order to find out the documents which are not produced by him to the police.

6. Perused the F.I.R. and the documents produced by the learned counsel for the applicant-accused and the prosecution. It appears that it is a case of forgery, where the lands of the farmers are shown as owned and purchased by the applicant-accused. The

statements of the witnesses disclose that they have not sold any of the lands to the applicant-accused and they never entered into any type of agreement with him. The '7/12 Extracts' have been prepared in the office of the Talathi. *Prima-facie*, the applicant-accused is beneficiary of such forgery as well as '7/12 Extracts'. There are about 20 cases pending against the applicant-accused of similar nature. Therefore, custody of the applicant-accused is necessary and, hence, this application seeking anticipatory bail needs to be rejected.

7. Anticipatory Bail Application, accordingly, stands rejected.

(MRIDULA BHATKAR, J.)