

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 149 OF 2017
Vasantkumar D. Raval vs. State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Subhash Jha with Miss. Sanjana Pardeshi for the applicant.

Mrs. Jyoti Lohokare, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.

DATE : 25th April, 2017

P.C.

1) The applicant is apprehending arrest in CR No.I-17-2016 dated 29.1.2016 registered with Thane Nagar Police Station under Section 420, 465, 467, 468 and 471 of the Indian Penal Code,

2) The first information report is lodged by Ramchandra Pandurang Patil. In nut shell it is alleged that the co accused namely Ankush Patil and Nana Gopal Patil who are uncles of the first informant submitted false and fabricated school leaving certificate with the Competent Authority established under the Urban Land Ceiling Act. It is further alleged that with a view to deprive the legitimate right of the informant in the share of the ancestral property said documents were presented before the Competent Authority at Ulhasnagar. In the premise, the first information report is lodged.

3) The learned counsel for the applicant submitted that as a matter of fact co-accused namely Ankush Patil and Nana Patil have been released on bail by the learned Additional Sessions Judge. Thane by its order dated 20.1.2017. He submitted that the first informant is the nephew of the co-accused and is also beneficiary for the retention of large portion of land which comes to his share in the proceeding adopted under the Urban Land Ceiling Act. He further submitted that the applicant is a third person and has nothing to do with the inter-se dispute between the informant on one side and his uncles who are also accused in the present crime on the other side. He submitted that co-accused namely Ankush Ramchandra Patil and Nana Gopal Patil have already been released on bail and nothing is to be recovered at the instance of the applicant. He therefore, prayed that the applicant may be granted pre-arrest bail.

4) I have perused the papers of the investigation in the present crime. It is to be noted here that during the course of investigation it is revealed that the school leaving certificate of Minal Arjun Chavan Vidyalaya is ex-facie bogus and fabricated document. In the said Certificate it is stated that the date of birth of Ramchandra Patil is 7.2.1957 and he left the said school on 29.7.1967. The police have recorded statement of the Head Master of the said Minal Arjun Chavan Vidyalaya wherein it is stated that the said school was established in the year 1992 and the

said school leaving certificate shown to him is a bogus document. It is further to be noted here that the school leaving certificate of Kailas Patil is also found to be a bogus document. The school leaving certificates are having stamp of Notary namely Advocate Mohammed Shaikh. The said witness in his statement to the police has stated that it is at the instance of the present applicant he put his seal on the said school leaving certificate. The investigation so carried out till date further reveals that on the school leaving certificate issued in the name of Nana Patil, the applicant has put his signature on the said document as a witness. The investigation further reveals that the affidavit submitted before the ULC Authorities by the co accused Ankush Patil and Nana Gopal Patil on a stamp paper of Rs.50/- and which stands in the name of Ankush Patil was in fact purchased by the present applicant. That the applicant has signed for and on behalf of Ankush Patil while purchasing said stamp paper of Rs.50/-.

5) After taking into consideration the investigation carried out by the police and the material available on record a strong prima facie case against the applicant is made out. It appears that the applicant is instrumental in preparation and/or submission of the forged and fabricated documents with the competent authority under the ULC Act. It further clearly appears that the applicant has actively helped the co-accused in purchase of stamp paper in the name of co-accused and preparing the affidavit.

6) After taking into consideration the serious allegations against the applicant and the gravity of the offence, this Court is of the view that applicant does not deserve to be protected by way of pre-arrest bail. Application is accordingly rejected.

7) At this stage the learned counsel for the applicant submitted that the applicant intends to test the correctness of the present order before the Hon'ble Apex Court and the interim relief which is running in his favour be further continued for a period of 4-weeks from today. In view thereof, the interim relief granted by an order dated 3.2.2017 is hereby extended by four weeks from today.

(A.S.GADKARI, J.)