

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 823 OF 2017

Dilip Vilas Bhujbal & Anr ...Applicants
Versus
The State of Maharashtra ...Respondent

Mr. Dayanand C. Awari, for the Applicant.
Mr. S.H. Yadav, A.P.P. for the State/Respondent.

CORAM: T.V. NALAWADE, J
DATED: 18th August 2017

PC:-

1. The application is filed for relief of anticipatory bail in Crime No.326 of 2016 registered in Talegaon Dabhade Police Station, Tal. Wadgaon Maval, District Pune, for the offences punishable under Sections 419, 420, 467, 468, 471, 472 r/w 34 of Indian Penal Code. Both sides are heard. Papers of investigation were made available to this Court for perusal.

2. The Crime is registered on the basis of complaint given by one Niranjana Joshi, who hails from Kalina Santacruz, Mumbai. Under registered Sale Deed dated 2nd March 1984 he has purchased land Survey No.25 (Hissa No.3) admeasuring 1H-74R situated at Shindegaon, Tahasil

Maval, District Pune. According to him he had created fencing around the area purchased by him and he used to visit the land once or twice in a year. According to him, in revenue record his name was entered on the basis of Sale Deed and in the revenue record it was also shown that the land had restricted use as private forest. He had employed one Gaikwad to work as watchman on monthly wages to protect this property.

3. It is contention of Joshi that he became acquainted with one Bhalerao, who is estate broker. He had not given any right to Bhalerao or any other person in respect of this property. It is contended that in November 2015 when he went to visit Talathi for getting recent 7/12 extract, Talathi asked him as to whether he had sold the land to Dilip Bhujbal and Sagar Datta Dhore, present applicants. He informed that these persons had made application for mutating their names in revenue record on the basis of one Sale Deed. The Complainant Joshi then collected record and copy of Sale Deed and he realised that by presenting another person as Joshi, Sale Deed was executed in respect of his land. He realised that false record of identity was created for execution of the Sale Deed. He also realised that another false Sale Deed was shown to be executed dated 6th June 2002 in favour of one Tirupati Mariappa Walhekar. The report was given on 7th October 2016.

4. The learned counsel submitted that the Applicants had realised prior to the date of registration of the

agreement that they were deceived and they had given report to police on 12th December 2015. It was submitted that false representation was made to them by Tirupati Walhekar and other persons that the transaction with Joshi was not completed but Joshi intended to sale the property. It was submitted that due to availability of record like document executed in favour of Tirupati Walhekar and as there was the record of identity, applicants believed that record and so they purchased the property.

5. The aforesaid submissions made for the Applicants cannot be accepted at this stage. No amount was paid by the Applicants before Sub-registrar to Tirupati Walhekar. The land was still standing in the name of Niranjan Joshi and not in the name of Tirupati Walhekar. There was no question of giving consent by Tirupati Walhekar as there was no record of actual transfer of the property in favour of Walhekar. Amount of Rs.54 lakh is shown to be given but till this date there is nothing with the Applicants to show that such big amount was with them. The complainant has made allegation that the value of the property was more than Rs.1 crore on the date of the sale shown by the present Applicants. All these circumstances create probability that present Applicants knew that there was no owner to execute the Sale Deed. In such cases thorough investigation is necessary. The instances of creation of false record are increasing day by day and these are particularly in respect of the properties which are owned by persons who are resident of other places. Many times such

transactions are intentionally made and due to these transactions pressure is created on the true owner and then the accused persons get opportunity to settle the matter. Only after the custodial interrogation more material can be collected in such cases. This Court holds it is not fit case to grant the discretionary relief.

6. In the result the Anticipatory Bail Application is rejected. Ad-interim relief, if any, granted in favour of the Applicants stands vacated.

(T. V. NALAWADE, J.)