

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1104 OF 2017**

Bhupendra Chintaman Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 1137 OF 2017**

Satyawar Tukaram Mhatre	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Ashok P. Mundargi, Sr. Counsel with Mr. S. B. Pawar & Ms. Swati Sawant i/b S. K. Legal Associates for the Applicant in BA/1104/2017

Mr. Gaurav Parkar for the Applicant in BA/1137/2017

Mr. S. S. Pednekar, A.P.P for the Respondent-State in BA/1104/2017

Mr. Rajan Salvi, A.P.P for the Respondent-State in BA/1137/2017

API Mr. Nilesh Tambe from Uran Police Station, Navi Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 3rd JULY, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By these applications, the applicants seek their enlargement on bail in connection with C.R. No. I-08 of 2017 registered with the Uran

Police Station, for the alleged offences punishable under Sections 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.

3. Learned Senior Counsel for the applicant-Bhupendra Patil submits that the document alleged is of 2008, whereas, the complaint has been lodged in 2017. He submits that admittedly the applicant-Bhupendra Patil is an heir of Mandibai Budhaji Patil. He further submits that it is alleged by the prosecution, that the applicant had purchased the stamp paper, on which the heirship certificate was forged and fabricated. He further submits that the applicant is in custody since January, 2017 and that investigation is complete and charge-sheet is filed.

4. Learned Counsel for the applicant-Satyavan Mhatre submits that the only allegation as against the applicant is, that he handed over the document i.e. the heirship certificate given to him by Suryakant Mhatre to Bhupendra Patil. He submits that apart from the same, there is no allegation that the applicant has forged or fabricated the said certificate.

5. Learned A.P.P opposed the application. They submitted that the allegations against Bhupendra is that he purchased the stamp paper in his own name, on which the heirship certificate was prepared. They submit that it was Suryakant Mhatre, who had prepared the heirship certificate, with the help of Yogesh Tandel. They submitted that Suryakant Mhatre has expired. They do not dispute the roles of the applicants.

6. Perused the papers. It appears that there were several agricultural lands recorded in the name of Budhaji Patil. As the land was acquired, CIDCO allotted three plots to the family of the deceased under the 12.5% Scheme. It appears that in 2008, plots were sold through an Estate Agent. It also appears that a Release Deed was executed by all the heirs mentioned on page 146 of the Bail Application No. 1104 of 2017. According to the prosecution, the heirship certificate was purportedly prepared from the Uran Court and that the said document is a fake, bogus and forged document. It is the prosecution case, that the said heirship certificate was prepared by Suryakant Mhatre (now deceased) with the help and assistance of Yogesh Tandel. The allegation as against Bhupendra Patil, who was admittedly an heir of Budhaji Patil, is that he purchased the

stamp paper on which the heirship certificate was forged. As far as Satyavan Mhatre is concerned, the only allegation against him is that he transported the said document handed over to him by Suryakant Mhatre to Bhupendra Patil. It appears that there are no allegations that applicant-Satyavan Mhatre forged and fabricated the document. There are no antecedents *qua* the applicants. Investigation is complete and charge-sheet is filed. Accordingly, the applications are allowed on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- each, with one or two sureties in the like amount;
- (ii) The applicants shall not tamper the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iii) The applicants shall inform their latest places of residence and mobile contact numbers and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

- (iv) The applicants to cooperate with the conduct of the trial.
7. The applications are allowed in the aforesaid terms and are accordingly disposed of.
8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.