

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY AIL APPLICATION NO.1631 OF 2017

Abhijit Shivajirao Kale.

...Applicant.

vs.

The State of Maharashtra

...Respondent.

Mr. Rahul Dhaigude for the Applicant.

Mr. Ajay Patil, APP. for the State.

CORAM: A.S. GADKARI, J.

DATE: 18TH September, 2017.

PC:

1. The applicant is apprehending arrest in CR No.114 of 2017 registered with Khandala Police Station, District Satara under section 420, 467, 468, 471 of the Indian Penal Code and under Sections 82 and 83 of the Registration Act .

2. The first information report is lodged by Shri. Milind Deshmukh, Sub Registrar of Assurances, Tal. Khandala, District Satara, stating that, the applicant submitted and got registered a sale deed bearing No.3472/2016 dated 24.10.2016 between himself as the party of the first part purchaser and the land owners as part of the second part sellers. That, the applicant represented the land owners/sellers in his capacity of their power of attorney holder and got the said document executed. At the time of submission of the said document for registration, 7/12 extract pertaining to Gat No.342 is annexed to the said document. It

is the prosecution case that while submitting the said 7/12 extract, the applicant has forged the revenue record and has deleted the endorsement/entry put by the revenue department i.e. 'New tenure Class-I'. That, the land under transfer was not transferable without getting the requisite permissions from the competent authority as contemplated under Maharashtra Land Revenue Code and facing with this difficulty it is alleged that the applicant forged and/or manipulated the revenue record and got the land transferred in his own name. It is further stated that the concerned authority has conducted preliminary enquiry into the matter and after finding genuineness in it the first information report is lodged.

3. The learned counsel for the applicant submitted that the applicant is a bonafide purchaser of the said property and all the documents were submitted to him by one Bajrang More who has acted as an agent in the said transaction. He submitted that after receipt of knowledge that Government authorities have started enquiry into the affairs of the registration of the said document he has cancelled the said sale deed. He further submitted that Bajrang More has executed Deed of Guarantee thereby taking entire liability of the said transaction on him. He submitted that the applicant is a small time businessman and is ready and willing to co-operate in the process of investigation and therefore, he may be granted pre-arrest bail.

4. Perused the papers of investigation and record annexed to

the application .The record clearly indicates that the applicant has got transferred the said land in question into his own name being the power of attorney holder of the landlords/sellers. It further appears from the record that the owners of the said land are persons from the down trodden strata of the society and are either illiterate or semi literate and by taking undue advantage of the same the the applicant has got executed the said document. It is to be noted here that the 7/12 extract which is annexed at page 47 of the application is a revenue record which has been forged or manipulated by the applicant for gaining the pecuniary benefit or advantage by the sale of the said land. It is therefore the imperative of the Investigating Officer to investigate, who are the other persons involved in the said crime of fabricating and manipulating the revenue record and how many other persons have acted with the applicant, who is the ultimate beneficiary of the said sale deed. It further appears from the record that, during the course of preliminary enquiry by the police the applicant has executed Deed of Cancellation on 27.4.2017 and has also got executed the said Deed of Guarantee from Bajrang More. It clearly appears that it is by way of an after thought, the applicant has executed the said two documents after the criminal law was set into motion and therefore according to me the said two documents loses its sanctity from being taken into consideration at this stage.

5. In view of the above, this Court is of the considered view that

the applicant does not deserve to be protected by way of pre-arrest bail.

6. Application is accordingly rejected.

(A.S.GADKARI, J.)