

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.2148 OF 2016

Vinayak Mahadev Bhangе	... Applicant
Vs.	
The State of Maharashtra	.. Respondent

**WITH
CRIMINAL APPLICATION NO.92 OF 2017
IN
ANTICIPATORY BAIL APPLICATION NO.2148 OF 2016**

Tejas Ramesh Pansare	... Applicant / Intervener
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IN THE MATTER OF:

Vinayak Mahadev Bhangе	... Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr.R.N. Gite for the Applicant in ABA/2148/2016
Mr.S.H. Yadav, APP, for Respondent – State
Ms.Savita Prabhune for Intervener

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 9, 2017

P.C. :

1. This application for pre-arrest bail is moved by the applicant/accused as he is prosecuted for the offences punishable under sections 420, 468, 471 r/w section 34 of the Indian Penal Code in C.R. No.798 of 2016 with Yavat police station, Pune. The

offence is registered at the instance of one Tejas Ramesh Pansare on 12.11.2016. It is the case of the complainant that his grandfather Tukaram Bhaguji Pansare was the owner of land bearing gat No.137/10 admeasuring 2 hectares 34 ares. After his death on 2.9.1979, his grandmother, Yamunabai Tukaram Pansare, their children Bhimrav, Arjun and Ramesh and the married girl Sushila became successors and the land belonged to them. However, no partition had taken place till the death of the grandmother, who died on 8.12.2015. In between, Sushila i.e., her daughter, the paternal aunt of the complainant, relinquished her rights. The complainant, however, came across a document i.e., a bogus affidavit of proposed partition and so also a fake declaration dated 29.12.2015 wherein the presence of the deceased Yamunabai was shown. He also came across the documents like acknowledgement of the notices dated 4.12.2015 on which the signature and thumb impression of Yamunabai and Arjun and his father Ramesh Pansare were shown though they were never present and they never received such kind of notices. Further, a statement is shown to have been recorded before the Tehsildar of Yamunabai on 24.12.2015 though she had expired on 8.12.2015. Therefore, the complainant approached the police and registered

offence against his uncles Bhimrav Pansare, Arjun Pansare, cousin Yogesh Bhimrav Pansare and one journalist Rajendra Suresh Zhende. In the investigation, the police found that the applicant/accused, who was working at the relevant time as Talathi, was also involved and, therefore, evidence was registered against him.

2. The learned Counsel for the applicant/accused has submitted that the applicant/accused is innocent and he has unblemished record. He is a government servant. He has not committed any offence. He submitted that Ramesh Pansare was working as a Peon in his Department and therefore, he identified him and also his mother though she was dead. He submitted that there was mistake committed by him, however, it was not any intentional commission or omission of duty.

3. Learned Prosecutor as also the learned Counsel for the Intervener/Complainant have opposed the application. They relied on the complaint as also on the documents and have submitted that the applicant/accused has played a key role in creation of the forged document. The applicant/accused was holding a post of Gavkamgar Talathi and he has signed the documents though the

persons were not present. He allowed the entries of Bhimrav Pansare, Arjun Pansare, Yogesh Pansare and Rajendra Zhende with malafide intention to facilitate them to grab the property.

4. The learned Counsel for the Intervener/Complainant submitted that custodial interrogation of the applicant/accused is necessary. In support of his submission, he relied on the judgment of this Court (Aurangabad Bench) in the case of **The State of Maharashtra vs. Esarar Ahmedkha s/o. Osmankha & Anr.**¹.

5. Perused the FIR and the statements as the offence pertains to forgery and creation of bogus documents. Admittedly, Yamunabai expired on 8.12.2015. Thereafter, an application under section 85 of the Maharashtra Land Revenue Code for partition was made. Two copies of the said document are produced by the complainant and it appears that on the original, no date is mentioned. However, in the photocopy of the same, the date was scored off and a forged date is mentioned. These documents are in the custody of the Talathi. It appears that forgery was committed thereafter. Some manipulations were done on the application. Further, a notice of partition was given on 4.12.2015 by the

¹ 2013 ALL MR (Cri.) 3984

Tehsildar to Yamunabai Pansare, Bhimrav Pansare, Arjun Pansare, Ramesh Pansare, Yogesh Pansare and one Rajendra Zhende in respect of the said land and a declaration was immediately made which shows the date as 8.12.2015. There is a manipulation in respect of the date is mentioned as '14'. This manipulation was made because Yamunabai Pansare had died on 8.12.2015. The date was earlier shown as 14.12.2015 which was manipulated as 4.12.2015 in order to make a fact of time distortion.

6. Thus, the statement was recorded on 24.12.2015 before the Tehsildar, Daund wherein a lady was identified as Yamunabai Pansare by this applicant/accused as Talathi, though Yamunabai Pansare had died earlier. It appears that the thumb impression and signatures of Ramesh Pansare and Arjun Pansare are bogus and forged. Even the affidavit which is shown as sworn on 30.10.2015 also appears manipulated. Thus, there is prima facie evidence that the applicant/accused who was a custodian of the record, was party to the forgery.

7. In the case of the **The State of Maharashtra vs. Esarar Ahmedkha s/o. Osmankha & Anr. (supra)**, a learned Single judge of this Court has taken a view that when the offence of

forgery is committed and the documents are used before the authority, then, giving protection to such a person having authority or a public servant will frustrate the investigation and hence, the relief of anticipatory bail is not to be granted.

8. In the circumstances of the case, Anticipatory Bail Application is rejected.

9. Criminal application for intervention also stands disposed of.

(MRIDULA BHATKAR, J.)