

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 937 OF 2018
Tushar Bagwanji Kotak vs. The 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. Niranjan Mundergi i/by P.A. Bhangale for the Applicant.
Mr. Ameet Palkar, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 28th June, 2018

P.C.

1. This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in CR No. I-46 of 2017 registered with Kasara Police Station, Thane under Sections 420, 465, 467, 471 and 473 of the Indian Penal Code.

2. Heard the learned counsel for the applicant and the learned APP. Perused the record of investigation.

3. The first information report is lodged by Shri. Prakash Kamble, Circle Officer employed with Government of Maharashtra and presently working with the office of

Tahsildar, Shahapur, District Thane. It is the prosecution case in brief that, the revenue record pertaining to Survey No.18/11 lying and situate at Village Veluk, Taluka Shahapur, District Thane have been forged by the applicant in connivance with other accused persons and the name of the applicant has been mutated in the revenue record along with the other entries being an agriculturist. The land was originally standing in the name of Smt. Vimal Pundalik Vekhande and Mr. Pundalik Laxman Vekhande and it is alleged that, by effecting unauthorized and illegal mutation entries, the revenue record of the Government Department is forged and the names of the applicant Tushar Bhagwanji Kotak with Kishore Bhagwanji Kotak and have been inserted therein. It is the precise allegation against the applicant that the 7/12 extract of revenue department has been forged. That, by use of fabricated documents a certificate of applicant being an agriculturist has been procured from the Government authorities and it is further produced before the revenue department for purchase of land. In the premise, the first information

report is lodged.

4. Mr. Mundergi, the learned counsel appearing for the applicant submitted that the applicant was already holding Certificate of agriculturist and in pursuance of Agreement for Sale dated 29.12.2006 he purchased the said agricultural land from its original land owners and in furtherance thereof mutation entry is effected. He further submitted that the applicant has no reason to forge and/or fabricate the revenue record of the Government. In view thereof, he prayed that the applicant may be protected by pre-arrest bail.

5. As noted earlier, the first information report is lodged by Circle officer employed with the Office of Tahsildar, Taluka Shahapur after conducting a proper enquiry in the matter. The Government authorities noticed that the revenue record pertaining to the said Survey No.18/11 lying and situated at Village Veluk, Tal. Shahpur has been fabricated and/or forged and the concerned land has been transferred in the name of the applicant. That, by use of forged and/or fabricated documents the said land

has been converted into non agriculture use and undoubtedly it is for the benefit of the applicant herein. It is the specific and precise allegation against the applicant that, he indulged into the said illegal acts or preparing forged and/or fabricated documents pertaining to the revenue department of the Government of Maharashtra.

6. Perusal of the record of investigation would further reveal that, there is sufficient material available on record to show the complicity of the applicant in the present crime. A strong prima facie case about the involvement of the applicant in the present crime has been made out by the prosecution and unless and until the applicant is thoroughly interrogated by the police, the entire truth behind the crime cannot be unearthed. The offence as allegedly committed by the applicant is undoubtedly serious in nature i.e. forging and fabricating the record of the Revenue Department of the Government of Maharashtra.

7. After taking into consideration the record of investigation, the serious allegations against the applicant

and the gravity of the offence, this Court is of the view that, the applicant does not deserve to be protected by pre-arrest bail.

8. Application is accordingly rejected.

(A.S.GADKARI, J.)