

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

ANTICIPATORY BAIL APPLICATION NO.360 OF 2018

Shivprasad Vasantao Kalaskar	 Applicant
versus	
The State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.371 OF 2018**

Amir Vasuddin Hawaldar	 Applicant
versus	
The State of Maharashtra	 Respondent

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- Mr.Priyal Sarda, Advocate for Applicants.
- Mr.S.R. Agarkar, APP for the State/Respondent.
- API Ganeshprasad Bhase, Islampur Police Station, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 13th JUNE, 2019

P.C. :

1. Both these Applications are decided by this common order because they pertain to the allegations in respect of the same FIR. In both the applications, the Applicants are seeking anticipatory bail in connection with C.R.No.48/18 registered with Islampur Police Station, Sangli, under sections 419, 420, 464, 465, 466, 468 r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Shrikant Krushna Dange on 01/02/2018. The allegations of the first informant in short are that he was the owner of two Hecter 45 R land at Gut No.606 at village Peth. He is residing with his sister in Mumbai. But he is an original resident of Islampur. He had taken PAN card and Aadhar card in due course. In the month of November 2017 his brother informed the informant that in Islampur he had come to know that the informant's PAN card and Aadhar card are misused by some people.

3. The informant informed the Collector, Sangli and Sub-Registrar, Islampur about this fact and requested them not to register any documents on the basis of those documents. He came across a public notice dated 16/01/2018 published in a daily newspaper Pudhari, wherein it was mentioned that the land belonging to the present Applicant was sold to Preeti Nandraj Chavan and Sanjay Ramchandra Ghadge and it was registered by document No.3999/2017. Objections were invited by that notice. The informant then obtained a copy of the said

document and he came to know that some unknown persons, using his forged Aadhar Card and PAN Card, had sold the said land to those persons for Rs.78,80,000/-. The first informant sent a reply to that public notice and made further enquiries. He came to know that the Applicant Shivprasad Vasantrao Kalaskar in ABA No.360/18 was a stamp vendor and the Applicant Amir Vasuddin Hawaldar in ABA No.371/18 was an agent who had brought about those transaction. Based on this, the FIR was lodged.

4. Heard learned Counsel Mr.Priyal Sarda, for the Applicants and learned APP Mr.S.R. Agarkar for the State.
5. Mr.Sarda submitted that the Applicant Shivprasad Kalaskar was merely a stamp vendor. He had accepted the stamp duty for registration in his account from the aforesaid Preeti Chavan and immediately transferred the said amount in the account of Government for the purpose of execution and registration of the document i.e. the sale deed.

6. He therefore submitted that he was acting professionally and he had no means to find that the executants of that document were not genuine and they had used forged identification documents. Insofar as the other Applicant Amir Hawaldar is concerned, Mr.Sarda submitted that there is absolutely no evidence against him and therefore anticipatory bail should be granted.

7. It is an admitted position that, the charge-sheet is filed in this case and both these Applicants are shown as 'not arrested' since for them anticipatory applications are preferred. A copy of the charge-sheet is annexed to ABA No.371/18. It includes the statements of two witnesses Prabhakar Rangraon Bandal and Jaywant Bhimrao Pawar. Both of them have stated before the police, that, they were working as stamp vendors. They have deposed that, on 27/11/2017, both these Applicants were present with a lady and six other persons. Out of them, one was the seller of the land, one lady and one other person was the

purchasers. Both these witnesses have seen both these Applicants Kalaskar and Hawaldar helping one Shrikant Krushna Dange to practice making signature of some person. Both these witnesses got curious and asked them as to why they were doing so, on which the Applicant Kalaskar informed them that one of the land seller was suffering from heart ailment and could not remain present and they were trying to make his signature. Since they were not concerned, these witnesses ignored this. It is interesting to note that the sale deed was registered on the same day i.e. 27/11/2017. On this day the witnesses have seen the Applicants helping someone to practice a fake signature. The sale deed mentions that the document was written by the Applicant Kalaskar. Hence the offence is clearly made out and therefore custodial interrogation is necessary to unearth the further basis of conspiracy. In this view of the matter, no case is made out for grant of anticipatory bail. Both the applications are rejected.

(SARANG V. KOTWAL, J.)