

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1022 OF 2018

Anil Audumbar Tambe
Versus
The State of Maharashtra

... Applicant
... Respondent

Mr. Priyal G. Sarda, Advocate for the Applicant.
Mr. S. R. Agarkar, APP for the State.
Mr. R. J. More, PN, EOW, Solapur City.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 26th JUNE, 2019.

P. C. :-

1. The applicant is seeking bail in connection with CR No. 129 of 2017 registered with Sadar Bazar Police Station under Sections 420, 468, 471 read with 34 of the IPC.
2. The investigation in this offence is already over and charge-sheet is filed. The applicant is arrested on 16th October 2017 and since then he is in custody. The FIR in this case is lodged by the first informant Sudhakar Ghodake. According to him, at the end of year 2010 and in beginning of year 2011 he was shown plot no. 125 and another plot no. 126 admeasuring 500 sq. ft and 1000 sq. ft respectively. When the plots were was shown to him, at that time the accused Asha Tambe, Amol Tambe, Akash Tambe, present applicant, Audumbar Tambe were present. Land owner was one Hirachand Jadhav. The price agreed for the said transaction of the land was

Rs. 6 lacs. At that time initially Rs. 50,000/- was immediately paid by the first informant to Asha Tambe. However, no receipt was obtained. Thereafter, on 3rd January 2011, document was executed and registered with the sub-Registrar office at Solapur. At that time all these above mentioned persons were present. The price mentioned in the document was Rs. 70, 000/- instead of Rs. 6 lacs. It is the case of the applicant, that, the remaining amount of Rs. 5,50,000/- was paid by the applicant to Asha Tambe. After a few days, when the first informant did not get the revenue extract of the land, on inquiry he came to know that the plots were not in existence. Therefore, he realised that he was cheated and FIR was lodged.

3. The investigation was conducted and all accused were arrested. I am informed that the accused Asha Tambe and Avdhut Tambe are already granted the bail.

4. Heard Mr. Sarda, learned counsel for the applicant and Mr. Agarkar, learned APP for the State.

5. The learned counsel for the applicant submitted that the applicant is falsely implicated and he had not committed any offence. On the other hand, learned APP submitted that the informant was cheated and made to part with his money on inducement. The offence is serious as a Gram panchayat record is tampered with.

6. I have perused the investigating papers. The tampering of record of

the Gram Panchayat record is done by one Ankhush Kamble. The FIR and other investigation papers show that the applicant was merely present alongwith others when the plots were shown to the first informant and when the documents were executed. Beyond that, no role is attributed to him. It is not a case that the applicant has made some representation or was a party to execution of any document or prepared any forged documents before him. At this stage, the applicant has made out a case for grant of bail. The applicant is in custody since 16th October 2017. The investigation is already over. The applicant cannot be further kept in detention as an undertrial. In these circumstances, following order is passed:-

ORDER

- (i) The Applicant is directed to be released on bail in connection with C.R. No. 129/17 registered with Sadar Bazar Police Station, on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)