

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

**ANTICIPATORY BAIL APPLICATION NO.302 OF 2019**

Faruk Hussain Miya Sansare .... Applicant

versus

The State of Maharashtra .... Respondent

**WITH  
CRIMINAL APPLICATION NO.199 OF 2019  
IN  
ANTICIPATORY BAIL APPLICATION NO.302 OF 2019**

Abdul Wahab Take ...Intervener

**IN THE MATTER BETWEEN**

Faruk Hussain Miya Sansare .... Applicant

versus

The State of Maharashtra .... Respondent

.....

- Mr. Mohammed Arif Siddiqui a/w. Irfan A. A. Ansari a/w. Siraj Ansari, Advocate for Applicant.
- Ms. S. S. Kaushik, APP for the State/Respondent.
- Mr. Amin Solkar (in-person), present.
- Mr. J. T. Watave, API, Mangaon Police Station present.

**CORAM : SARANG V. KOTWAL, J.  
DATE : 1<sup>st</sup> AUGUST, 2019**

**P.C. :**

1. The applicant is seeking anticipatory bail in connection with C.R. No.135/2018 registered at Mangaon Police Station, District Raigad, under sections 420, 465, 468, 470 and 471 of IPC.

2. The FIR is lodged on 1/8/2018 by one Abdul Take. He has stated that some of his cousins have settled in South Africa. They have their joint family property at village Mauj Morba, Taluka Mangaon bearing Gat No.10 at Grampanchayat property No.1041. The owners and the family members had given Power of Attorney to Yusuf Raut. The POA holder had entered into the transaction with some purchasers of the property in respect of sale of that property. The purchasers had paid amount of Rs.73,50,000/- to the owners but still amount of Rs.24,50,000/- was not paid. Therefore, the owners had instructed the POA holder to lodge their objection before the Circle Officer so that their names could not be removed from the revenue records. On 2/3/2018, when Yusuf Raut came to India, he found that on 7/12 extract, already names of the purchasers were shown. On further

inquiry, it was found that the names were added by use of Form No.9. The first informant approached the Talathi Shri. Basbekar. Talathi told him that one person by name Faruk Sansare had approached him and had taken blank Form No.9 from him. Said Faruk Sansare according to the prosecution is the present applicant. Talathi further informed that said person again brought back the form signed by the parties of the transaction including purchasers and sellers. Talathi made entry in the record on the basis of that form. The informant found that the signatures on that form were forged and therefore, the FIR is lodged.

3. Heard Mr. Pawar, Ld. Counsel for the applicant and Mr. S. H. Yadav, Ld. APP for the State.

4. Ld. Counsel for the applicant submitted that the FIR is based on suspicion. The applicant is not concerned either with the transaction or with the making of the entries. He submitted that there was a possible mistake in identification by the Talathi of the person who had approached him with the form signed by the

parties. For this purpose, on the last occasion, this Court had granted interim protection to the applicant to enable the prosecuting agency to held the test identification parade (TIP).

5. Ld. APP, on instruction, submitted that the IO who is present in the Court makes a statement that TIP was held and the Talathi did not identify the present applicant.

6. Thus, it is apparent at this stage that some other person, using name of the present applicant had approached the Talathi and had committed this offence by giving forged documents to him for changing entries in the revenue record. In this view of the matter, at this stage, there is no material against the present applicant connecting him with the alleged offence. Therefore, he deserves protection of anticipatory bail. However, looking at the nature of offence, he will also have to co-operate with the investigation. Hence, the following order.

**ORDER**

- (i) In the event of his arrest in connection with C.R. No.135/2018 registered at Mangaon Police Station, District Raigad, the applicant is directed to be released on bail on his executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in like amount.
- (ii) The applicant shall attend the concerned Police Station as and when called by the I.O. and shall co-operate with the investigation.
- (iii) The Intervention application is accordingly disposed of.

**(SARANG V. KOTWAL, J.)**