

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

ANTICIPATORY BAIL APPLICATION NO.661 OF 2019

Pappu @ Pramod Prakash Shirsath Applicant

versus

The State of Maharashtra Respondent

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- Mr. Umesh H. Pawar i/b Mr. Prashant Bhavake, Advocate for Applicant.
- Ms. S. S. Kaushik, APP for the State/Respondent.

**CORAM: SARANG V. KOTWAL, J.
DATE : 4th SEPTEMBER, 2019**

P.C. :

1. The applicant is seeking anticipatory bail in connection with CR No. 144/18 registered at Chavani Police Station, Malegaon under Sections 419, 420, 467, 468, 471 read with Section 34 of the IPC.
2. The FIR is result of the order passed by the learned JMFC, Malegaon directing investigation under Section 156(3) of the Cr. P. C. It is mentioned in the complaint filed by the

complainant /first informant that his father Yashwant Gurchal had purchased land at survey number 307/1/2, plot no. 60-61-62 in the year 2003. The property was purchased vide sale deed dated 12th March 2003. The said fact was entered in the revenue records. In the year 2010, the informant's father expired. Thereafter, the informant and other legal heirs were brought on record in the revenue record. The applicant was knowing the informant's family. The applicant alongwith six others entered into the criminal conspiracy. They prepared a forged sale deed dated 12th September 2014 and it was registered in the sub-registrar's office at Malegaon by using an imposter at the time of registration. The accused no. 2 and 3 i.e. Sanjay Dusane and Vinod Shirsath were shown as new owners. Thus, by creating forged documents, registering them and by impersonation, the applicant and other accused have committed this offence.

3. Heard, Mr. Umesh Pawar, learned counsel for the applicant as well as Ms. Kaushik, learned APP for the State.
4. The learned counsel for the applicant submitted that the offence pertains to documentary evidence and therefore

custodial interrogation of the applicant is not necessary. On specific query by the court, the learned counsel accepted that though the FIR is lodged in August 2018, the applicant could not be arrested till today. The applicant is not on interim protection.

5. Learned APP opposed the grant of anticipatory bail.
6. Obviously the applicant is not available for interrogation and has not cooperated with the investigation. The applicant has avoided his arrest since last about a year. The allegations in the complaint clearly refer to specific role of the applicant in the entire fraud. The informant and his family's ownership was seriously affected by the act of the accused. To find out the details of the conspiracy and roles of other accused, custodial interrogation of the applicant is necessary. No case for grant of anticipatory bail is made out. Hence, the application is rejected.

(SARANG V. KOTWAL, J.)