

Dond

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

**ANTICIPATORY BAIL APPLICATION NO. 792 OF 2019
WITH
APPP NO. 553 OF 2019**

Amol @ Avikumar Dhondiram Dhule

..Applicant

Vs

The State of Maharashtra

..Respondents

Mr. Kamran Shaikh a/w Sakina Kanchwala I/b O.A. Siddiqui for applicant.

Mr. S.S. Hulke, APP for State.

Mr Vikram Sutaria, for Intervener.

Mr. Dilip Daingade, PI, EOW, Mumbai present.

CORAM : A.S.GADKARI, J.

DATE : 5th April 2019.

P.C.:

1] The applicant is apprehending arrest in CR No. 176 of 2018 dated 22.9.2018 registered with Cuffe Parade Police Station, Mumbai under sections 465, 466, 468, 471, 420 of the Indian Penal Code.

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

3] The first information report is lodged by Shri Gautam Budharani. It is the prosecution case that, the informant has purchased an

immovable property bearing Survey No.436/1/A and 427/1 at village Wahal, Taluka Parnel, District Raigad admeasuring about 353 Acres. That the first informant wanted certain clearances/permissions from the Government Departments and in search thereof, through his friend an Architect of Mumbai, came in contact with the applicant. The applicant represented him that, he has many contacts with the concerned persons in Office of the Collector at Raigad and also with the Deputy Conservator of Forests, Alibag. The applicant informed the informant that, he will be in a position to get the necessary and relevant permissions pertaining to the said land. Relying on the representation made by the applicant, the informant paid an advance of Rs.3,53,10,000/- (Rupees Three Crores Fifty Three Lakhs Ten Thousand) to the applicant. The applicant gave certain orders passed by the Additional Collector, Raigad to the informant. The informant subsequently realised that, there is variance in the documents given by the applicant and the documents which are on the record of the Office of the Collector, Raigad. After verifying the documents, it was found that, the signatures on the documents given by the applicant are bogus, including the stamps/seals of the Revenue Authority. When the informant made enquiry in the vicinity, it was informed to him that, the applicant has cheated many persons by adopting same modus operandi.

4] The learned counsel for the applicant submitted that, the applicant has nothing to do with the Orders passed by the Collector of Raigad and/or the documents and signatures thereon, annexed to Appeal No.245 of 2015 pending on the file of Additional Collector, Raigad. That the applicant has not given any forged and/or fabricated document having seals and/or signatures thereon of the Additional Collector, Raigad. He however fairly acceded to the fact that, the applicant has received the said amount of Rs.3,53,10,000/- (Rupees Three Crores Fifty Three Lakhs Ten Thousand) for doing necessary work such as procuring clearance certificate and/or other documents relating to the landed property of the informant. He therefore submitted that, the applicant may be protected by pre-arrest bail by allowing the present application.

5] Perusal of the first information report and other record would indicate that, the applicant by representing the informant that he has excellent relations with the Officers from the Office of the Collector, Raigad and will be in a position to procure various necessary permissions, induced him to part with the aforesaid huge amount. The applicant subsequently handed over documents to the informant having signatures and seal of the Additional Collector, Raigad. During the investigation of the present crime, it is revealed that the said documents are forged and fabricated and the

seals and signatures thereon are not genuine.

It is the prosecution case that, the Government seals are either manufactured or forged and used in quasi-judicial proceedings and in other Government record. Undoubtedly, the allegation that, the documents having signatures and seals of the Revenue Authority and/or the Competent Authorities, particularly the Additional Collector, Raigad are forged and/or fabricated by the applicant is of serious nature and requires through interrogation by the police. The Police are yet to trace out other persons who are linked with the applicant in the present crime so also other victims at the hands of applicant by use of similar modus-operandi.

6] In view of the above and after taking into consideration the gravity of the offence and serious allegations against the applicant, this Court is of the opinion that, the applicant does not deserve to be protected by pre-arrest bail.

7] Applications is accordingly rejected.

8] In view of Order passed in A.B.A. No.792 of 2019, Criminal Application (APPP) No.553 of 2019 for intervention does not survive and is accordingly disposed off.

(A.S.GADKARI, J.)