

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

ANTICIPATORY BAIL APPLICATION NO.902 OF 2019

Vishnu Rambhau Dongre	 Applicant
versus	
The State of Maharashtra	 Respondent

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- Mr.R.N. Kachave, Advocate for Applicant.
- Smt. A.A. Takalkar, APP for the State/Respondent.
- Mr.Mahesh Mandave, API attached to Igatpuri Police Station present.

CORAM : SARANG V. KOTWAL, J.
DATE : 11th SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.I-21/19 registered with Igatpuri Police Station, Nashik, under sections 420, 467, 468, 471 r/w 34 of the Indian Penal Code.
2. The FIR is lodged by one Bijli Pandhari Dhavale @ Bijli Pundalik Lahane on 11/03/2019. She has stated that she has ancestral land at Pangulgao, Taluka Igatpuri, District Nashik at various area in Gat No. 379, 548, 555 and also in Nandgaon at Gat no.812, 813, 814 and 815. In the year 2013 the Government

was acquiring lands for Samruddhi Mahamarg. The informant's cousin Ashok took copies of extract on revenue records in respect of those pieces of land. That time he came to know that the present Applicant had given an application mentioning that the co-owners of the informant as well as the informant had died and their names were removed from the records. The Applicant had submitted an affidavit to which a death certificate of the informant was annexed. The informant was very much alive and therefore she lodged this complaint.

3. Heard learned Counsel Mr. R.N. Kachave for the Applicant and learned APP Smt. A.A. Takalkar for the State.
4. Learned Counsel for the Applicant submitted that the Applicant is a senior citizen and therefore his custodial interrogation should be avoided. He submitted that the informant was not seen or heard by the Applicant for a number of years. Therefore, he assumed that she had died. He therefore submitted that anticipatory bail should be granted to the Applicant.

5. Learned APP produced before me the investigation papers. Those included the application filed by the present Applicant with Kamgar Talathi, Pangul Village, Taluka Igatpuri. There was a death certificate annexed to that application. The death certificate was dated 11/06/2012 purportedly issued by Mokhavane, Kasara Gram Panchayat, showing that the informant had died on 01/06/2012. The factum of death was registered on 04/06/2012. This certificate is obviously obtained on the basis of false information. Therefore offence is clearly made out. To find out the exact nature of conspiracy and the role played by the Applicant in depriving the rightful compensation of the owners, custodial interrogation of the Applicant is necessary. There is no merit in the application. The application is therefore rejected.

(SARANG V. KOTWAL, J.)