

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

ANTICIPATORY BAIL APPLICATION NO. 1747 OF 2019

Ganpat Vitthal Landge

...Applicant

Vs.

State of Maharashtra

...Respondent

- Mr. Mahesh B. Zanwar, Advocate for the Applicant.
- Mr. S.H. Yadav, APP for the State.
- Mr. V.S. Tadke, Advocate for Intervener.
- Mr. Vinayak Kisan Mhaskar, PN-5475, Bhosari Police Station, Pune.

CORAM : SARANG V. KOTWAL, J.

DATE : 14th AUGUST, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with CR No. 597/19 registered at Bhosari Police Station, Pune for the offences punishable under Sections 420, 467, 468, 471, 448 read with Section 34 of the IPC.

2. The FIR is lodged by one Yuvraj Landge on 13th June 2019. He has stated that he is the owner of the land bearing survey no. 136/5 admeasuring six gunthe. The present applicant had obtained a Power of Attorney from one Anupama Kate and Dnyaneshwar Landge (since deceased) in respect of Gat No.

136/1B/1, for area 60-R, It is the case of the first informant that Power of Attorney could not have been executed for area of 60 R because the executant of that document had only 33.73 R in their share. Both the properties i.e. Gat No. 136/5 and 136/1B/1 are adjoining properties. It is alleged that the applicant had sold the land bearing survey no. 136/1B/1 on the basis of forged documents showing it as a residential zone. It is further alleged that the applicant had given possession of the informant's land bearing survey no. 136/5 admeasuring 6-R to third persons namely Asha Berad, Sudhakar Misal, Sangita Gadekar and Sumitra Karale. It is further alleged that Asha Berad had purchased the land bearing survey no. 136/1B/1 from the present applicant based on the forged Power of Attorney and forged certificate in respect of the land being in residential zone. Based on these allegations the FIR is lodged.

3. Heard, Mr. Zanwar, learned counsel for the applicant as well as Mr. Tadke, learned counsel for the intervener and Mr. Yadav, learned APP for the State.

4. Learned counsel for the applicant submitted that the

applicant had not obtained the document which is purportedly a forged document. The document was pertaining to certificate in respect of the land being in residential zone. That document is dated 15th January 2019. He submitted that even the complainant in the past had acted upon a similar document for his own transaction. He, therefore, submitted that no offence is committed by the present applicant.

5. Learned APP and learned counsel for the intervener submitted that the document is undoubtedly a forged document, which is used for entering into transaction by the applicant. The informant was deprived of possession of his land because of the illegal acts of the applicant.

6. Learned APP, on instructions, submitted that the investigation carried out so far has shown that the document dated 15th January 2019 showing it to be a residential zone, is a forged document and that the applicant has used it in his transaction.

7. I have considered these submissions. The disputed document is used by the present applicant in entering into the said transaction with Asha Berad. Without that document, this

transaction could not have been completed. Thus, the applicant has taken advantage of this forged document purportedly issued by the authorities and had gained wrongfully because of that document. The further allegations that he has interfered with the possession of the informant's property and had given possession to the Asha Berad and others.

8. According to Shri Zanwar, the complainant had not approached a civil court to take back his possession. However, execution of the sale deed based on the forged document cannot be denied at this stage. Therefore, custodial interrogation of the applicant is necessary to find out from where and how he had procured that particular document. No case is made out for anticipatory bail. His Custodial interrogation is necessary. Application is rejected.

9. Intervention application is also disposed off accordingly.

(SARANG V. KOTWAL, J.)