

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.223/2019

Laxman s/o Parisnath Ahir .vs. State of Maharashtra through PSO P.S.
Umarkhed, Dist. Yavatmal.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. G. M. Kubade, Advocate for applicant.

Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : AUGUST 28, 2019

Applicant is apprehending his arrest in connection with Crime No.89/2019 registered with Police Station, Umarkhed, Tq. Umarkhed, Dist. Yavatmal for an offence punishable under Sections 420, 463, 468, 471 of the Indian Penal Code.

Heard Mr.Kubade, learned counsel for applicant and Mr. Rode, learned A.P.P. for non applicant-State. Also perused the reply.

Allegations against applicant, as it could be seen from the FIR lodged by Sanjay Narwade, an official from Cheetahs Office, Umarkhed, is that applicant has produced photocopy of order dated 28.03.2018 passed by Additional Collector, Yavatmal. The said order shows that the Additional Collector has permitted to convert agriculture land of applicant to non agriculture purpose.

As per prosecution case, this order is a forged document and at no point of time, Additional Collector has

passed said order. It is also the allegation of prosecution that applicant being beneficiary of said order, must have forged this particular document.

According to learned counsel for applicant, permission from Additional Collector is not at all necessary in view of Section 42-A of the Maharashtra Land Revenue Code. He submits that in the present case, on 07.03.2018, present applicant filed an application before Chief Officer, Municipal Council, Umarkhed, which is a planning authority for development, for obtaining permission to use the land for non agriculture purpose. The planning authority, vide order dated 04.02.2019, has given temporary permission as it could be seen from the document, which is at annexure-V of the compilation of this application. Learned counsel for applicant also invited my attention to order dated 30.03.2019 by which, the planning authority allowed the application filed on behalf of applicant on 07.03.2018 and granted permission to use the land in question for non agriculture purpose.

According to the prosecution, applicant approached Talathi on 28.03.2018 for using alleged forged document. In my view, since applicant was already armed with permission from planning authority initially on 04.02.2019 and it is made absolute by Chief Officer, Umarkhed on 30.03.2019, there was no occasion for applicant for using any forged document. Therefore, submission made in that behalf by learned counsel for applicant has force.

Applicant was released on ad interim anticipatory bail by this Court on 16.04.2019 (Coram: M. G. Giratkar, J.). Applicant has attended Police Station as it could be seen from the photocopy of diary showing his attendance before the investigating officer.

In that view of matter, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No. 89/2019 registered with Police Station, Umarkhed, Tq. Umarkhed, Dist. Yavatmal for an offence punishable under Sections 420, 463, 468, 471 of the Indian Penal Code, applicant-Laxman s/o Parisnath Ahir, be released on bail on he executing P.R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- (iii) Applicant is directed to attend Police Station, Umarkhed as and when directed by the investigating officer till filing of charge-sheet. However, for that the investigating officer shall give a clear cut 24 hours written communication to the applicant.

The application is disposed of.

JUDGE