

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

ANTICIPATORY BAIL APPLICATION NO. 586 OF 2019

Chandrashekar Murlidhar Dhavale ...Applicant

V/s

The State of Maharashtra ...Respondent

Mr. Niranjan Mundargi i/b. Keral Mehta for the applicant.
Ms. Pallavi N. Dabolkar, APP for the State/respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 10TH JANUARY, 2020

PC :

1. The applicant is apprehending arrest in connection with C.R. No. 241 of 2017, registered with Samarth Police Station, Pune for the offences punishable under Section 420 r/w. 34 of Indian Penal Code, 1860 ('IPC' for short).

2. The prosecution case is as follows:

In January, 2015, the accused No. 2, represented to first informant that, accused No. 1 was selling his land bearing Gat No. 1263 situated at Kasari, taluka- Shirur, admeasuring about 3H 78R and the accused were involved in developing the same. In March 2015, the accused No. 2 showed the land to first informant and insisted upon buying about 3 Gunthas out of the land. The informant agreed and

paid cash of Rs. 40,000/- to accused No. 2. On 20.04.2015, the informant issued cheque of Rs.2,50,000/- to accused. She went to the office of Sub-Registrar with her son and others. Accused No. 1 executed Sale Deed in favour of informant in respect of 11 Gunthas of land. The partners of Yash Developers demanded Rs.2,60,000/- towards development of land. On 02.02.2016, the informant inspected plot. She learnt that, Plot belongs to Government i.e. District Rehabilitation Department. The Collector, Pune vide order dated 03.11.2017 set aside mutation entry numbers 2286, 2298, 2360 and entered property in the name of Collector/Deputy Director, Rehabilitation, Pune.

3. The applicant preferred an Anticipatory Bail before the Sessions Court was rejected by order dated 1st March, 2019.

4. Learned counsel for the applicant submitted that the custodial interrogation of the applicant is not necessary. He was given interim protection by this Court. There is no evidence to show complicity of the applicant in crime. The forged document was not prepared by applicant. The applicant was working as clerk in District Rehabilitation Office and then as Senior Clerk in Land Acquisition Department. The matter relates to documents. The

applicant was interrogated but not arrested. Even when the applicant had allegedly admitted forgery of document, he was not arrested. The name of the applicant is not reflected in FIR and no role is assigned to him. The documents are in possession of the investigating machinery. Police had arrested main culprit.

5. Learned APP submitted that the applicant is involved in crime. He was instrumental in preparing forged documents. The handwriting expert opinion supports the prosecution case that the applicant was involved in forgery of document. It is further submitted that, the Dy. Collector, on perusal of the admitted documents, stated that the handwriting appearing on the forged documents and the admitted handwriting of the applicant on the documents in the office is similar. The application of Baliram Kad Circle Officer was withdrawn as the Court was not inclined to avail relief.

6. I have perused the documents. The offence is of serious nature. During the course of investigation, complicity of the applicant is disclosed. It was transpired that the applicant had prepared false order purported to have been issued by the then Collector Madhukar Kokate

about allotment of the said land in February, 2002. The annexure of that order was also allegedly prepared by him. There is statement of witness who identified his signature and handwriting. Forgery was committed in respect of government record about allotment of land to project affected persons. The file of original documents is missing from record of rehabilitation department. Handwriting expert opinion supports the prosecution's case. The investigation is in progress. There is sufficient evidence showing involvement of the applicant in crime. Hence, no case for grant of anticipatory bail is made out.

ORDER

- (i) Anticipatory Bail is rejected and stands disposed of accordingly.
- (ii) At this stage learned counsel for the applicant seeks extension of interim protection granted by this Court, on the ground that the applicant proposes to challenge this order before the Apex Court. In view of the request, interim protection is extended by period of three weeks.

(PRAKASH D. NAIK, J.)