

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

ANT. BAIL APPLICATION NO.37 OF 2020

Vijay Kamalakar Patil ... Applicant
Vs
The State of Maharashtra ... Respondents
...
Ms. Vrishali R. Raje for the Applicant.
Mr. Y.M.Nakhwa, APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : 7TH JANUARY, 2020.

P.C. :

Heard.

2 *Apprehending arrest in Crime No.280 of 2019 registered with Palghar Police Station for the offences punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860, applicant is seeking pre-arrest bail.*

3 *On 19th December, 2008 father of the complainant with other co-owners of the land bearing Gat No.202/2 executed registered agreement in favour of the applicant.*

*Simultaneously, Power of Attorney was also executed by the father of the complainant and other 12 co-owners. It is registered Power of Attorney. It appears, on the basis of these documents, applicant had applied for the permission under Section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948 ('**BTAL Act**' for short). It appears in the year 2009, applicant's father Raghunath Govind Mhatre and other co-owner died . It is submitted, this fact was not brought to the notice of the applicant. In the result, applicant acted on the agreement and the Power of Attorney and obtained requisite permission from the Sub-Divisional Officer, Dahanu in relation to Gat No.202/2.*

4 *Complainant, who is son of Raghunath Govind Mhatre alleged that the applicant has committed offence of forging a "valuable security", in as much as, the applicant did not inform, revenue officer about death of two co-owners and proceeded to act on the strength of the Power of Attorney.*

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5 *In my view, facts alleged, even if accepted are true and correct, may give rise to some other proceedings relating to the order passed under Section 43 of the BTAL Act.*

6 *In view of the facts of the case, custodial interrogation of the applicant is not required and hence, the following order:*

(i) *In the event of arrest of the applicant in Crime No. 280 of 2019 registered with Palghar Police Station, he shall be released on executing PR bond for the sum of Rs.25,000/- with one or more sureties in like sum.*

(ii) *He shall report to the concerned police station as and when called.*

7 *Application stands disposed of .*

(SANDEEP K. SHINDE, J.)