

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION (ST.) NO.3737 OF
2020

**Manali
P. Tilak**

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Manali P. Tilak
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Dattatray Ankush Machale	..	Applicant
Vs.		
The State of Maharashtra	..	Respondent

...

Mr.Aniket Nikam i/b Nihal M. Mansuri for the Applicant.
Mr. P.H. Gaikwad, A.P.P. for the State.

CORAM: SMT. BHARATI DANGRE, J.
DATED :04TH NOVEMBER, 2020.

P.C:-

1 The applicant is apprehending arrest in C.R. No.588 of 2020 registered with Saswad Police Station for the offence punishable under Sections 420, 465, 468 of IPC.

 The C.R has been registered on a complaint filed by one Dattatraya Zurunge who is involved in construction activity and is a resident of Munjawadi, District Pune. He carries on the construction activity in partnership with one Nilesh Jagtap and the construction activity is run in the name of Shiv Shambo Builders and Developers, which involve

purchasing the land, developing it and after plotting the same, selling it to the potential customers after carrying out the construction. He alleged that in the year 2015, he along with his partner purchased a land at Mauje, Saswad, with description of Gat No. 91/4 admeasuring 21 R by a registered sale deed. The said piece of land is also recorded in Revenue Record. Out of the 21-R land, he transferred 11 R in the name of his partner Nilesh Jagtap on 31st December 2011.

2 For the purposes of obtaining the necessary permissions for construction, it was necessary to collect all the documents involving the land record, Architectural plan, Land measurement sheet (क.प्रत) and other documents. For liasoning and obtaining the क.प्रत, the complainant contacted the applicant, resident of Saswad who was operating as an agent, since at the relevant time, the online mechanism was not operational. The applicant was assured an amount of Rs.50,000/- for obtaining the land measurement sheet. He carried out the measurement on the spot and accompanied Nilesh Jagtap in the office of survey of land record and handed over the measurement sheet (क.प्रत) bearing registration no. 5061/15 dated 19th November 2015. This document was put to use by the complainant for obtaining

the necessary permissions. A four storeyed building was sanctioned by Municipal Council, Saswad and the construction activity started and on the date of filing of the complaint, 80% of the construction is over. After that, another measurement map was obtained by the complainant by approaching the office of Land Records, Saswad. On 1st November 2017 when the construction activity was ongoing, the adjoining land owner Ganpat Kolte pointed out that there is discrepancy in the boundaries and therefore, information was sought in respect of both the measurements from the office of City Survey, Saswad. At that time, it was revealed that the measurement (क.प्रत) dated 19th January 2015 was not issued by the office of the Land record, Saswad. The complainant was thereafter directed to carry out a fresh measurement of the land which he was developing and even the Deputy Superintendent, land records also affirmed that he has not issued any land measurement documents vide No. 5061 of 2015. It is thus alleged that the measurement report given by the applicant is fraudulent and the signature as well as the stamp of the office is forged. The offence therefore, came to be registered against the present applicant.

The allegations demand a custodial interrogation of the applicant as the stamp of the office of the land records

and the signature of the concerned officer has been put on the said documents and the said offence being serious one, revolving land revenue and the applicant is alleged to have been operating as an agent in land dealings, his custodial interrogation is very much necessary. The offence involves forgery of land measurement sheet for the purpose of cheating.

Considering the gravity and seriousness of the offence, the application is rejected.

SMT. BHARATI DANGRE, J.