

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2651 OF 2021

Shri.Pankaj Rajnikant Khedekar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Harshad Sathe for the Applicant.

Mrs. Anamika Malhotra, APP for the Respondent -State.

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CORAM: V.G.BISHT, J.

DATE: 24TH NOVEMBER, 2021

PC:-

1. The present application has been moved by the applicant under Section 438 of the Code of Criminal Procedure apprehending arrest under Sections 420, 419, 464, 465, 468 and 471 of the Indian Penal Code (the IPC) registered vide Crime No. 123 of 2021 with Guhagar Police Station, Ratnagiri.

2. Prosecution case in short is that on 17th August, 2009, accused, namely, Kishor Kisan Jadhav, Pankaj Rajnikant

Khedekar, Sumitra Kisan Jadhav (deceased), Santosh Kisan Jadhav, Krushna Ganpat Jadhav (deceased), Bhairumal Sogalal Oswal, Amit Vishwarpal Chavan and then Sub Registrar, Guhagar in collusion with each other executed forged sale deed of land bearing CTS No. 890 admeasuring 58 R situate at village Gimvi, Taluka Guhagar owned by the informant and his mother. It is further alleged that the above said accused persons again sold the said land to Swapnil Krishnakant Chile, resident of Kamthe on 18.07.2011 vide registered sale deed No. 1053 of 2011. The present applicant signed on the said forged sale deed as an attesting witness and identified the said bogus vendors of said forged sale deed to be the owner of the said land instead of informant. Accordingly, the First Information Report came to be registered.

3. Mr. Sathe, learned Counsel for the applicant, submits that both the alleged incidents of execution of the forged sale deed took place on 17.08.2009 and 18.07.2011 whereas the FIR came to be filed only on 25.08.2021. Delay of 12 years is

nowhere explained. According to learned Counsel, the sale deed was executed by accused Nos. 1, 3 and 4, who are the family members of informant and by accused No. 7. Role of the present applicant was only to the extent of identification of the parties and applicant was in no manner beneficiary of the alleged transactions. Applicant is permanent resident of Chiplun and has no criminal antecedent. In view of this, applicant deserves to be given the benefit of anticipatory bail, argued learned Counsel.

4. Mrs. Malhotra, learned APP, on the other hand, opposes the submissions by submitting that the nature of offence is serious. Investigation is in progress and therefore, the application needs to be rejected, argued learned APP.

5. I have carefully gone through the FIR. Only allegation against the present applicant is that he identified other accused being the owners of the land in question despite knowing that they were not the owners and it was the informant, who was owner of the agricultural land. Thus, like other accused, the applicant is also actively involved in the

offence. However, nothing is brought on record by prosecution to show the applicant was having knowledge of the ownership of the land. He simply acted as an attesting witness. There is nothing on record to suggest that the applicant was in any manner aware of the fact that it was informant, who was the only owner of the land in question and despite that he identified other accused persons as the owners of the agricultural land in respect of which the alleged transactions took place.

6. In view of above, the applicant has made out a case for anticipatory bail. Hence, the following order :

ORDER

- i) The application is allowed.
- ii) In the event of arrest of the applicant in C.R.No. 123 of 2021 registered with Guhagar Police Station, Ratnagiri for the offences punishable under Sections 420, 419, 464, 465 and 468 of the IPC, the applicant be enlarged on bail on his furnishing PR & SB in the sum

of Rs. 25,000/- with one or two local surety/sureties in like amount.

iii) The applicant shall make himself available for interrogation by a police officer of concerned police station as and when required.

iv) The applicant shall not tamper with prosecution evidence.

v) The application stands disposed of accordingly.

(V.G.BISHT, J.)