

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

ANTICIPATORY BAIL APPLICATION NO.781 OF 2021

Sudhakar Dnyandev Rajguru	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Sanjeev Sawant, Advocate a/w. B.K. Barve, Sandeep Barve, Archana Lad, Santosh Wagh, Laxmi Ingale, Shreedisha De, Janhvi Barve i/b. B.K. Barve & Co. for the Applicant.
Mr. S.H. Yadav, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 18th MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1538/2020 registered at Sadar Bazar Police Station, District-Solapur on 3.12.2020 under Sections 417, 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code.

2. Heard Shri Sanjeev Sawant, learned Counsel for the Applicant and Shri S.H. Yadav, learned APP for the State.

3. The FIR is lodged by one Surekha Sabale on 3.12.2020. She has stated that she was an agriculturist. She had purchased land bearing Gat No.163/1/A/2/C at village Honsal, District-Solapur, admeasuring 3 Hectares from Gurusiddhayya and Jagdevi Swami on 18.4.2011 vide a registered sale deed for Rs.3,63,000/-. After purchasing the land, she and her husband had approached the office of the Talathi at Honsal. After many visits to the office, they still could not meet the Talathi. The prosecution case in the FIR is that the Applicant was a Talathi of that place at that time. The informant was told that the Applicant would meet them at his house in Boramani. Therefore, the informant, her husband and their two friends went to Boramani and met the applicant. They tendered an application for entering their names in the revenue record. After that, again, they paid many visits to Talathi office at Honsal but the Applicant did not meet them. Again the informant went to the house of the Applicant at Boramani. The Applicant gave a 7/12 extract and mutation entry extract to the informant. The documents were handed

over by the Applicant in his house itself. According to 7/12 extracts, the informant's name was entered vide Mutation Entry No.1360. Based on these documents, the informant was in possession of the land and was cultivating it. In the year 2017, when the informant had collected the extracts through on-line process, she came to know that instead of her name, names of Nagesh Jadhav and Surekha Shelke were seen. The informant made further enquiries and they came to know that the original owner Vikas Talbhandare had sold the land to to Surekha Shelke and Nagesh Jadhav. Said Talbhandare had purportedly sold the same land to Gurusiddhayya and Jagdevi Swami and mutation entries No.1341 & 1342 were purportedly taken. Those extracts were also given by the Applicant. Based on these documents Gurusiddhayya and Jagdevi Swami had further sold this land to the present informant. The FIR states that the mutation entries No.1341, 1342 and 1360 were forged entries and the names of Gurusiddhayya and Jagdevi Swami and thereafter name of the present informant were never entered in the 7/12

register. Thus, this FIR was lodged.

4. Learned Counsel for the Applicant submitted that the Applicant has not committed any forgery. He was not working as Talathi in the year 2017. Therefore, he cannot be held responsible. The Applicant was transferred in July, 2011 from that place. Therefore, he has nothing to do with the issuance of extract.

5. Learned A.P.P. opposed this Application based on the averments in the FIR.

6. I have considered their submissions. The allegations against the present Applicant are clearly spelt out in the FIR. The informant specifically has stated that the entries in question and the documents in question were handed over by the present Applicant to the informant at his house. The informant though was in possession, her name did not appear in the revenue record. All this goes to show that the offence could not have been committed without active participation of the present Applicant. The Applicant was

occupying a responsible position and had made false representation and had issued forged documents. The matter is serious. His custodial interrogation is necessary though he had issued those extracts way back in the year 2011. In this view of the matter, no case is made out for grant of anticipatory bail. The Application is rejected.

Pradeepkumar
P. Deshmane

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(SARANG V. KOTWAL, J.)

Deshmane (PS)