

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

ANTICIPATORY BAIL APPLICATION NO.856 OF 2021

Shri Dattatraya Shahadu Bhagwat ... Applicant
V/s
State of Maharashtra ... Respondent

Mr.R.V.Bansode, Advocate for the Applicant.
Ms.Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : MARCH 24, 2021.

P.C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.44 of 2021 registered with Sarkarwada Police Station on 4th March, 2021 under sections 379, 468, 471 r/w 34 of IPC, under section 9 of Maharashtra Public Records Act, 2005 and under sections 81 and 82 of Indian Registration Act, 1908.
2. Heard Mr.R.V.Bansode, learned counsel for the Applicant and Ms.Pallavi N. Dabholkar, learned APP for the State.
3. The FIR is lodged by one Sanjay Thakare who was working at Sub-Registrar's office, Nashik. He has stated that their office had received a complaint from Ankush Patil and Amar Patil for investigation into the registered documents Nos.3448 of 1990, 7796 of 1990 and 3841 of 1992. Enquiry was conducted and at the end of the enquiry it was revealed that there was forgery of

registration record. Therefore, this FIR was lodged. Document bearing registration No.7796 of 1990 purportedly was a registered sale deed between the applicant as the purchaser and Paramjitkaur Balvir Singh Anand and Radhakrushna Ramkrushna Dinde as the sellers in respect of the land bearing survey No.254/5 area ad-measuring 73 Gunthe. Entry in respect of registration of documents is made, in volume No.157 of the record which was pertaining to dates between 10th October, 1990 and 2nd December, 1990. In that volume thumb impressions and signatures of the parties were preserved. Registered document No.3448 of 1990 was purportedly a sale deed showing the applicant as purchaser and one Sudhakar Patil as purported seller. It was in respect of land bearing survey No.254/5 ad-measuring 73 Gunthe. That reference was in volume No.153/1990. These volumes were deliberately taken outside the Sub-Registrar's office by Junior Clerk Sunil Pawar. The allegations against the applicant are that he was the beneficiary of both the transactions and he has acquired right of ownership through these documents. Actually those registration numbers were allocated to totally different documents whose registration was held back on technical grounds.

4. Learned counsel for the applicant submitted that, the land in question was his ancestral land and he had sold his land to Paramjitkaur Anand in the year 1989. In the year 1990 he has repurchased the same land by a registered sale deed which was

properly registered. Therefore, no offence is committed in respect of those documents. He submitted that as far as the other sale deed is concerned, again he had repurchased that particular piece of land from the seller Sudhakar Patil. Both these documents are registered documents and no offence is committed.

5. Learned counsel for the applicant also submitted that the applicant was continuously in possession of that particular land since prior to 1989. He submitted that the applicant is 69 years of age. The evidence pertains to documents. Therefore, his custodial interrogation is not necessary.

6. Learned APP has relied on the supplementary statements given by the first informant which is recorded on 6th March, 2021. In the statement it is explained how the offence was committed. He has stated that as far as the registered documents bearing No.7796 of 1990 is concerned, the original document was in respect of the transaction in favour of Maharashtra Sales Medical Representative Shaikh Mohamed Zakir. The date of that document was 15th November, 1990. However, since the certificate under section 230 of Income Tax Act, 1961 was not submitted, the document was not registered and the registration was kept pending. Because of that as per the practice the said document after scanning or after taking its photocopies was not sent to registration office at Pune. Somebody from that office of Sub-Registrar was aware of this number. That number i.e. registration

No.7796 of 1990 was used for the purported transaction between the applicant and Paramjikaur Anand and Radhakrushna Dinde. That sale deed was never presented in the Registrar's office. This number was used, copy of this document was sent for preservation and thus, the applicant had used this fake registration. Everything about the registration is forged and this is a serious offence. Similar allegation was made in respect of the document bearing registration No.3448 of 1990. At that number there was a different transaction executed in favour of Namdeo Bhila Patil on 14th May, 1990. That registration was also kept pending and that particular number was used for the applicant's second document purported to be a sale deed executed by Sudhakar Patil. Even this document including its registration was a complete forgery. The learned APP on instructions of the Investigating Officer makes a categorical statement that the applicant was never in possession of that particular piece of land after 1989.

7. I have considered these submissions. The manner in which the offence is committed is very serious. Somebody had in the Sub-Registrar's office committed this offence. Obviously the beneficiary in this particular transaction is none other than the present applicant. The matter requires investigation. The applicant will be the right person to answer all these aspects. Though he is a senior citizen, considering the seriousness of the offence and possibility of repetition of the offence, it is necessary

that his custody is obtained. Registration of document is an important step in such transactions. If these offences are committed in the Sub-Registrar's office, it will be disastrous.

8. In this view of the matter, anticipatory bail cannot be granted to the applicant.

9. Application is rejected.

(SARANG V. KOTWAL, J.)