

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 926 / 2021

Khalil Mohammed Sayyed Juwari

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

Mr. Parag P. Pokale, Advocate for the Applicant.

Mr. H.J. Dedhia, APP for State.

Mr. Sonawane, A.P.I., Murbad Police Station.

CORAM : SANDEEP K. SHINDE J.

DATE : 2nd JUNE, 2021.

VACATION COURT (Through Video Conference)

P.C. :-

1. Applicant seeks pre-arrest bail in connection with the Crime No. 31 / 2020 registered with Murbad Police Station for the offences punishable under Sections 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code, 1860.

2. Prosecution case is that Kalu Jagoji Naik was owner of land bearing Survey No. 29/9 at Village Dehri, Taluka Murbad, Dist. Thane. Complainant is grandson of Kalu Jagoji Naik. Kalu died long back. These facts are not in dispute. It is alleged that the Applicant is estate agent/ broker. Complainant when inquired about the subject land i.e. Survey No. 29/9, Revenue Authorities informed him that land was sold by his grand-father Kalu Jagoji Naik to Javed Abdul Kazi vide registered sale deed dated 19th March, 2012. Indisputably, Kalu Naik (grandfather of the Complainant) had died 30 years before. Complainant thus obtained a copy of the sale deed dated 19th March, 2012. It revealed that a unknown person projected and identified himself to be Kalu Naik, sold the land to Javed Abdul Kazi for consideration. It is prosecution case that the Sub-Registrar of assurance admitted the subject sale deed to the registration on the basis of a certificate issued by Special Executive Magistrate Mr. Ravindra Dattatray Chavan. A certificate when perused, shows Mr. Ravindra Chavan identified a unknown person as Kalu Jagoji Naik. Relying on this certificate, the Registrar admitted the sale deed for

registration. In the course of investigation, a statement of Mr. Ravindra Chavan, has been recorded. He disclosed that certificate was issued by him at the instance of the Applicant, who had indentified that person as 'Kalu Naik'. Investigation revealed, that the subject land was re-sold by Javed Abdul Kazi. In the course of investigation, Investigating Officer has recorded a statement of Advocate Pravin Gopal Bhoir. It shows Adv. Bhoir had issued a Public Notice (title search) in a local newspaper on 6th August, 2020 at the instance of Javed Abdul Kazi, prospective buyer of thirteen pieces of land. I have perused the public notice issued by Adv. Bhoir. It shows Javed Kazi had agreed to purchase the lands described in the notice from the Applicant and others. One of the lands is bearing Gut No. 25/5. Admittedly, a revenue record shows the Gut No. 25/5 is not owned by the Applicant but by forefather of the Complainant.

3. Thus, the evidence on record prima-facie suggest the Applicant's complicity in the crime. It appears the Applicant being estate agent is indulging into selling the lands by committing the act

of forgery. Infact, the material on record suggests the Applicant had not only forged valuable security but misrepresented the Registrar.

4. In consideration of the facts of the case, in my view the custodial interrogation of the Applicant is required to unearth his involvement in the crime in question and in such other transactions if any, executed by him or any other person at his instance. Learned Counsel for the Applicant could not justify his right over the land Gut No. 25/5, which Applicant had agreed to sell to Javed Abdul Kazi.

5. Having regard to the facts of the case and nature of accusations, pre-arrest protection is declined. Application is rejected.

(SANDEEP K. SHINDE, J.)