

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

ANTICIPATORY BAIL APPLICATION NO.857 OF 2020

Dhirendra Rameshwarprasad Singh & Anr .. Applicants

Vs.

The State Of Maharashtra .. Respondent

.....
Mr. Ganesh Gole i/by Mr. Aarif Ali M. Ali Advocate for Applicants.
Mr. A.R. Kapadnis A.P.P. for the State-Respondent.
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**CORAM : PRAKASH D. NAIK, J.
DATE : 23rd FEBRUARY, 2021**

PC.

1 The applicants are apprehending arrest in connection with C.R. No.404 of 2019 registered with Navpada Police Station for the offence punishable under Sections 420, 465, 468 and 471 of the Indian Penal Code. The First Information Report was lodged on 20th December, 2019.

2. The case of the prosecution is that the complainant is a Deputy Forest Officer. The concerned clerk informed him that a letter has been received in his office. It is suspicious in nature. The complainant perused the said letter. He found that false outward No.1/20/Jamin 7023/2018-19 dated 29-11-2018 having description of a property bearing Gat No.772/21 area 2.02.3 H.R., mouje Shivale, Taluka Murbad, District Thane was mentioned in the said letter.

It was also stated that the said property was regularized and shown in the name of Smt. Kalubai Kisan Ubale and nine others through their power of attorney holder Mahendra Rameshwarprasad Singh. On perusal of another letter bearing false outward No.1/20/Jamin 7028/2018-19 dated 29-11-2018, it is found that the area 4.04.7 H.R. out of Gat No.772/2017, Mouje Shivale, Taluka Murbad, District Thane was shown regularized in the name of Rudranath Vishwanath Jadhav and others through power of attorney holder Dhirendra Rameshwarprasad Singh. It was noticed that the said letters were not issued by their office and the signature was not of the complainant. In the said letters, it was mentioned that the property mentioned therein has been regularized and it is in the reserved forest land category. In pursuance thereto, the FIR was registered with the aforesaid Police Station.

3. The contention of the applicants is that they had entered into an agreement for sale with the land owner of the land, which falls under "Navin Sharth". The applicants entered into an agreement with the land owner of 11 Gats, situate at Murbad, District-Thane. The owners of the respective land have appointed the applicants as their power of attorney. The applicants preferred an application before the Collector for grant of permission to sell the land. The applicants were directed to pay Nazrana as per "Navin Sharth" in the sum of Rs. 11,29,137/- which was paid by them. Permission was granted by the Collector to sell 11 Gats of land as per Navin Sharth. On 1st October 2019

sale deed was executed between the applicants and the land owners and the same was registered with the office of Sub-registrar. The applicants were given peaceful possession of the property and their names were recorded in the 7/12 extract. It is submitted that the Collector in his review order set aside the previous permission to sell lands. The order of Collector was under challenge before this Court in Civil Writ Petition No. 67/2020 and the respondents were directed not to take any coercive action. The Collector was pleased to set aside grant of permission to sell and conversion of land in respect of the remaining 10 Gats of land by orders dated 08-03-2019 and 24-09-2019. The said orders were challenged before the Appellate Authority i.e. Additional Commissioner, Konkan Division. The status quo order has been passed in respect to all remaining 10 Gats of land.

4. It is further submitted that the applicants are not involved in creating any forged documents. They are co-operating with the investigation and their custodial interrogation is not necessary. The applicants had executed requisite documents for purchasing the said properties. Learned APP submitted that the applicants were beneficiaries and it is obvious that the forged letters have been submitted by them and therefore, custodial interrogation is necessary.

5. The source of the letter received by the complainant's office is

not known. It is presumed that the applicants have fabricated the said documents. On perusal of the documents which are annexed to this application, it is apparent that the applicants had executed power of attorney and the sale deed in respect of certain Gats of land. The subsequent orders of Collector are under challenge and interim orders are passed in the nature not to take coercive action or status quo. On perusal of the order passed by the Sessions Court, it is apparent that the application was primarily rejected on the ground that investigation as to whether the accused had prepared forged documents, is required to be conducted. Investigation cannot be completed for taking sample signature of the accused. It is apparent that during the interrogation, the statements of the applicants are already recorded. They are co-operating with the investigation.

6. Considering the aforesaid circumstances, the custodial interrogation of the applicants is not necessary. On certain terms and conditions, relief as prayed for in this application, can be granted. Hence, I pass the following order:-

ORDER

- (i) Anticipatory Bail Application No.857 of 2020 is allowed.
- (ii) In the event of arrest of the applicants in connection with C.R. No.404 of 2019 registered with Navpada Police Station, Thane, the applicants be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- (iii) The applicants shall appear before the Investigating Officer on 08th, 9th and 10th March 2021 between 11.00 a.m. to 01.00 p.m.
- (iv) The applicants shall co-operate with the investigation.
- (v) In the event, the Investigating Officer requires specimen handwriting of the applicants, they shall provide the same.

(PRAKASH D. NAIK, J.)