

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

ANTICIPATORY BAIL APPLICATION NO. 1537 OF 2019

Rajwinder Singh Ajit Singh	..Applicant
V/s.	
The State of Maharashtra & Anr.	..Respondents

Mr. Amit Singh, for the Applicant.
Mr. Chirag Chanani i/b. Dewani Associates, for the Respondent No.2.
Ms. M. M. Deshmukh, APP for the Respondent / State.
PSI Vijay Pavad, Hill Line Police Station Ulhasnagar Present.

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**CORAM : C. V. BHADANG, J.
DATE : 13 AUGUST 2021**

P.C.

. The Applicant apprehending arrest in connection with investigation of Crime No.154/2019 of Police Station Hill-Line Thane under Section 420, 465, 467, 468 and 471 r/w. Section 34 of IPC, is seeking anticipatory bail. There are in all four Accused in the said crime. The Applicant happens to be the Accused No.4.

2. The allegation as per the complaint filed by Jamat Haseja is that the property which is subject matter of dispute was agreed to

be purchased by the complainant from now deceased Arjundas Pahuja and accordingly an Agreement of Sale was executed by Arjundas in favour of the complainant on 24 August 2009 which is a notarised document. According to the complainant, as there was certain ban and pending issuance of Sanad in favour of Arjundas, final conveyance deed could not be executed. The complainant claims that the property was put in his possession by deceased Arjundas. Arjundas expired on 10 September 2015. The material allegation is that subsequent to death of Arjundas, his son Laxmandas with the connivance of the Applicant executed a fake / forged Gift Deed dated 3 October 2017 stating that Arjundas has gifted the property in favour of Laxmandas. Subsequently, there is Agreement of Sale dated 31 October 2017 executed by Laxmandas in favour of the present Applicant. The complaint came to be lodged as according to the Complainant, on 10 June 2018 the Applicant alongwith others had made an attempt to encroach on the suit property. The material allegation is that the Applicant had connived with Laxmandas in forging the Gift Deed dated 3 October 2017 in the name of deceased Arjundas.

3. I have heard the learned counsel for the parties. Perused record.

4. It appears that the Gift Deed is also a notarised document and not a registered one. The Applicant is admittedly not a party to the said document. It was contended on behalf of the State that the statement of the concerned Notary is recorded who states that the Applicant was present alongwith Laxmandas at the time of execution of the Gift Deed dated 3 October 2017. *Prima facie*, the fact remains that the present Applicant is neither a party nor a signatory as a witness to the said Gift Deed. *Prima facie*, a perusal of the Agreement of Sale dated 31 October 2017 in favour of the Applicant shows that there is a recital that Laxmandas has become owner of the property by way of inheritance upon death of Arjundas. Thus, *prima facie*, it appears that there is no reference to the said Gift Deed in the Agreement of Sale dated 31 October 2017. That apart, there is an Indemnity Bond which is got executed from Arjundas and there is a public notice which was issued by the Applicant on 27 September 2017 before execution of the said Agreement of Sale dated 31 October 2017. Thus, *prima facie*, it appears that the Applicant had no role to play in the execution of the alleged Gift Deed dated 3 October 2017. It further appears that Writ Petition No.2817/2018 is filed by the Applicant for quashing in which a statement was made before the Division Bench on 5 March 2019 that the investigation is complete and the chargesheet is being presented to the Trial Court.

5. Learned APP, on instructions from the Investigating Officer, states that except for procuring of the copy of the original Gift Deed, the entire investigation is complete. It also appears that there are civil disputes between the parties in respect of the said property. Learned APP also pointed out that there are certain criminal cases pending against the Applicant. However, considering the nature of the allegations which are centered upon the execution of the Gift Deed by Arjundas in favour of the Laxmandas to which the Applicant is not a party, I find that the interim protection granted to the Applicant on 23 July 2019 can be confirmed.

6. In the result, the Criminal Application is disposed of in terms of the order dated 23 July 2019. Needless to mention that the Applicant shall co-operate with the Investigating Agency as and when required and shall not tamper with the prosecution evidence / witnesses. The Criminal Application is disposed of in the aforesaid terms.

(C. V. BHADANG, J.)