

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2349 OF 2021**

BHALCHANDRA
GOPAL DUSANE

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Date: 2021.10.22
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Ganpatrao Ananda Chalke Applicant

Vs.

The State of Maharashtra Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2351 OF 2021**

Ravindra Vishnu Desai Applicant

Vs.

The State of Maharashtra Respondent

Mr. Vaibhav G. Bagade a/w Mr. Aman Kothari for Applicants in both ABAs.

Mrs. J.S. Lohokare, APP for State of Maharashtra.

API, Mr. S.J. Ankolkar, Tilaknagar Police Station.

Coram : NITIN W. SAMBRE, J.

Date : 20TH OCTOBER, 2021

P.C.:

1. In both these applications, applicants claiming to be Secretary / Chairman of proposed Co-operative Housing Society, are seeking pre-arrest bail in Crime No. 348 of 2019, registered with Tilak

Nagar Police Station, for the offence punishable under Sections 420, 465, 467, 472 read with 34 of the Indian Penal Code.

2. The prosecution case against the applicants are, certain land was allotted to Mathadi workers. The applicants styling themselves to be Secretary/Chairman of proposed Co-operative Housing Society consisting of Mathadi workers as its members sought allotment of said land.

3. It appears that the letter claimed to have been issued by the Additional Chief Secretary, Revenue Department, Mantralaya, Mumbai on 21st August, 2012, which was produced with the Office of the Collector, Revenue Department on 13th August, 2018 claiming relief of mutation, possession etc. As the said documents dated 21st August, 2012 claimed to have been issued by the Revenue Department under the signature of Additional Chief Secretary was found to be forged, offence came to be registered.

4. The submissions of learned counsel appearing for the applicants are, most of the investigation in the matter is already over as

some of the applicants/accused are already charge-sheeted. Further contentions are, as the offence which is based on the documents, which are already in the custody of investigating agency, further custodial interrogation of the applicants is not warranted. It is also claimed that the necessary ingredients of the Sections, under which the applicants are booked are not satisfied as even after the above forged communications, the applicants continued their correspondence with the office of Revenue Collector for the relief of allotment of land as it is claimed that the applicants are entitled to be released.

5. Learned APP has opposed prayer for releasing the applicants on pre-arrest bail. She submits that the custodial interrogation of the applicants is necessary and that being so, the applications are liable to be rejected.

6. Considered submissions.

7. It appears that based on the forged letter dated 21st August, 2012, issued under signature of Additional Chief Secretary, Government

of Maharashtra, the applicants i.e. the office bearers of proposed Co-operative Housing Society entered in correspondence with the office of the Collector. The applicants are beneficiaries of such forged communication as based on such communication, the applicants have entered into further communication with the Collector seeking mutation in revenue records and possession of the property etc. The forged communication has basis of the earlier correspondence by the applicant.

8. The officials from the Mantralaya, who are involved in the offence in question are yet to be released on regular bail. The applicants appear to be direct beneficiaries of such forged documents and at this stage, it is difficult to infer that the applicants are not involved in the crime in question, they being beneficiaries.

9. In the aforesaid background, there is strong prima facie case against the applicants. No case is made out for grant of pre-arrest bail. As such, both the applications stand rejected.

(NITIN W. SAMBRE, J.)