

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.106 OF 2021

(Girish s/o Padmakar Girdhar Vs. The State of Maharashtra thr. PSO PS Pachpaoli,
Nagpur)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Bhushan Dafle, Advocate for Applicant.
Mr. N.R. Rode, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 5th MARCH, 2021.

The applicant is apprehending arrest in Crime 381/2020 registered with Police Station Pachpaoli, Nagpur for offences punishable under Sections 420, 448, 467, 468, 471 and 120-B of the Indian Penal Code.

2. The crime is registered on the basis of report dated 14.07.2020 lodged by Mr. Ravishankar Sahare.

3. According to Mr. Ravishankar Sahare, he entered into an agreement with Mrs. Vasudha Rupde to purchase MIG Quarter 4/1, Housing Board Colony, Vaishali Nagar, Nagpur. The transaction was recorded in a document which Mr. Ravishankar Sahare refers to as notarized sale-deed dated 25.05.2019. Out of the total consideration of Rs.33,00,000/-, Mr. Ravishankar Sahare paid Mrs. Rupde Rs.6,50,000/- by three cheques for Rs.2,00,000/- each and cash payment of Rs.50,000/-. The said quarter was held, not

as absolute owner, as lessee of MAHADA and therefore, an immediate sale-deed was not possible. The complainant and Mrs. Rupde agreed to execute the sale-deed on 15.10.2019. According to the complainant, Mrs. Vasudha Rupde delivered possession of the said premises to the complainant contemporaneously with the execution of the agreement which is referred to as notarized sale-deed in the report.

The complainant stacked some household articles in the said housing board quarter and applied for no objection to MAHADA. In the interregnum, Mrs. Vasudha Rupde expired on 25.09.2019. On 29.11.2019 the complainant noticed that his lock was broken and two women were found inside the house. The complainant summoned his wife Mrs. Sunita Sahare and then the couple entered the compound. Co-accused Nilima Jaiswal (Tiwari) along with an unidentified woman were in the house. When the complainant and his wife confronted them, co-accused Nilim Jaiswal called somebody from her mobile and in a short while 10 to 12 persons including the applicant Girish Giridhar and Sahil Sayyad arrived at the scene. The complainant was frightened since he had heard of their reputation or rather notoriety. The complainant contacted the nieces of Mrs. Vasudha Rupde namely Rajeshree and Bhagyashree Joshi, who were present at the time of the agreement and they informed the complainant that neither their aunt Mrs. Vasudha Rupde nor any other relative has entered into any agreement with any person other than the

informant complainant. It then transpired that the applicant and co-accused submitted such forged and fabricated documents in the office of the MHADA.

4. I have perused the material on record which is culled out in the say of the prosecution and the order of rejection rendered by the learned Sessions Judge.

5. There is more than ample material on record to link the applicant with the crime. The Investigating Officer has obtained the government hand-writing experts opinion which is that the documents on the basis of which the applicant and the co-accused are asserting title, are forged and fabricated and were not executed by deceased Mrs. Vasudha Rupde. The statements of witnesses show that the applicant and the other co-accused have formed a crime syndicate and are involved in property grabbing.

6. One of the witnesses, who is a relative of the deceased Mrs. Vasudha Rupde, has graphically described the attempt of the applicant and the other members of the crime syndicate to forcibly evict tenant from a property. The applicant is also facing similar prosecution vide Crime 169/2020.

7. In my considered view, the applicant has not made out any case for exercise of discretion. The attempt to grab property on the basis of forged and fabricated document does not appear to be an isolated incident. There appears to

be a crime syndicate which is actively involved in such offences. It would be next to impossible for the Investigating Agency to unearth the various facets of the crime and the activities of the crime syndicate, if the Investigating Agency is deprived of the opportunity of arresting and custodially interrogating the applicant. Considering the propensity to indulge in crime, the possibility of the applicant intimidating the witnesses, cannot be ruled out.

8. The application is dismissed.

JUDGE

NSN