

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

CRIMINAL APPLICATION (ABA) NO. 132 OF 2020

Pankaj Sitaram Ghorpade

...Versus...

State of Maharashtra through PSO, P.S. Khamgaon City,
Tq. & Distt. Khamgaon

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders or directions
 and Registrar's orders

Court's or Judge's orders

 Shri S.V. Sirpurkar, Advocate for the applicant
 Shri M.K. Pathan, APP for non-applicant/State

CORAM : N.B.SURYAWANSHI, J.

DATE : 24/06/2021

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The applicant apprehends his arrest in Crime No. 11/2020, registered with Khamgaon City Police Station, District Buldhana for the offences punishable under Sections 409, 420, 468 and 471 of the Indian Penal Code.

3. In short the prosecution case is that one Suryakant Gopalrao Satpute, Circle Officer lodged a report on 08/01/2020 stating that then Talathi namely Rajesh Chopade, working with Khamgaon Division from 2015 June to May 2019, manipulated the Government record and fraudulently mutated names of the various persons in the land record. The Talathi

was arrested on 06/02/2020. It is informed that he is released on bail. After conducting of investigation, charge-sheet came to be filed in the present matter. In F.I.R. as well as the charge-sheet the name of the applicant is not mentioned. The role attributed to the present applicant as per reply of the Investigating Officer is that the applicant was shown to be one of the owners of plot No. 74 in the 7/12 extract of Survey No. 137/1. The name of the applicant is entered as per Ferfar No. 20177. It was revealed in the investigation that the said Ferfar pertains to the entry of one Digambar Bhambale who is not concerned with the said property. Thus the said 7/12 extract is forged document.

4. The learned Additional Public Prosecutor makes a statement that further investigation in terms of Section 173 (8) of the Code of Criminal Procedure is undertaken by the Investigating Officer and if material is found, supplementary charge-sheet will be filed against the present applicant. The learned Additional Public Prosecutor further confirms that the applicant has attended the Police Station and has cooperated in the investigation and has submitted the documents in his possession.

5. In that view of the custodial detention of the applicant, at this stage is not required.

6. On the ground of parity also the applicant

is entitled for protection as similarly situated accused namely Samadhan Wagh was granted protection by this Court in LDVC Criminal Bail Application (ABA) 689/2020. The said fact is not disputed by the learned Additional Public Prosecutor.

7. In that view of the matter, Criminal Application (ABA) No.132 of 2020 is allowed by confirming the interim order dated 03/03/2020, with a condition that till filing of charge-sheet the applicant shall attend the concerned Police Station as and when called by the Investigating Officer.

8. The applicant shall not tamper the prosecution evidence.

9. The application is disposed of.

JUDGE