

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

CRIMINAL APPLICATION (BA) NO. 754 OF 2021

(Manoj s/o Uddhav Meshram and another ..vs.. State of Maharashtra, through PSO, PS Parsheoni,
District Nagpur)

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

Court's or Judge's orders

Mr. S.P. Sonwane, Counsel for the applicants,
Mr. N. Rao, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 31-08-2021

The applicants are seeking bail in connection with Crime 30/2021 registered with Police Station Parsheoni, District Nagpur for offences punishable under Sections 420, 467, 468, 471 and 120-B read with Section 34 of the Indian Penal Code, on the basis of complaint/report lodged by Mr. Kailash Narayan Meshram.

2. Mr. Kailash Narayan Meshram is the owner of agricultural field admeasuring 1.50 HR. assigned field Survey 24/1, situated at Mouza-Banpuri.

3. On 15-7-2020, the nephew of the applicant enquired whether the said agricultural field is sold. The complainant was perplexed and his nephew then conveyed that certain person/s are seeking mutation. The complainant, who is residing at Nagpur, rushed to village Banpuri and contacted the Patwari Sanjay Bhosle, who informed that portion of the agricultural field

admeasuring 1 HR. is sold to Balshankar Ramnarayan Mishra. The complainant contacted Balshankar Ramnarayan Mishra and told him that he did not sell any portion of the agricultural field. Balshankar Ramnarayan Mishra realised that he was duped. The purchaser told the complainant that he paid Rs.8,00,000/- as consideration and one Shankar Wanjari was involved in the settlement of the deal. The complainant then contacted Shankar Wanjari, who disclosed that the applicants herein Manoj Meshram and Bholanath Tandekar approached him alongwith Kapil Meshram and told him that the complainant is interested in selling the land.

4. The material on record *prima facie* shows that two persons impersonated as the complainant and his wife, fraudulent documents were prepared and the conspiracy was given effect to.

5. While the learned Counsel for the applicant submits that an extremely limited role is attributed to the applicants, which is that they received certain amount, the material in the case diary belies the said submission. The manner in which the fraud is perpetrated clearly reveals that the applicants have *prima facie* played a crucial role. The material indicates that it is the applicants who went to Shankar Wanjari and told him that the complainant is interested in selling the land.

The persons, who as a fact impersonated, are yet to be arrested. Considering that the applicants have apparently played a prime role, and the impersonation and fabrication of documents would not have been possible without the active connivance of the applicants, no case for grant of bail is made out.

6. The allegations are extremely serious and if the prosecution culminates in conviction, the punishment may be severe. The investigation is ongoing and the persons who were set up and who impersonated as the complainant and his wife have not been arrested. No discretion can be exercised in favour of the applicant. The application is dismissed.

JUDGE

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