

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

CRIMINAL APPLICATION (BA) NO. 915 OF 2021

(Pradip Premeukhdas Rathi ..vs.. State of Maharashtra, through PSO, PS Khamgaon City)

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

Court's or Judge's orders

Mr. A.D. Bhate, Counsel for the applicant,
Mr. N.R. Rode, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 04-10-2021

The applicant is seeking bail in connection with Crime 46/2021, registered with the Khamgaon City Police Station, District-Buldhana, for offences punishable under Sections 255, 260, 420, 423, 465, 468, 471, 472 and 475 of the Indian Penal Code (IPC) and Section 66 D of the Information Technology Act, 2008.

2. The crime is registered on the basis of report dated 25-1-2021 lodged by Mrs. Anju Lavkesh Soni (hereinafter referred to as the “complainant”). The gist of the report is thus :

The deceased husband of the informant was a businessman, dealing in property. He purchased plots 47, 48, 49, 50, 51, 52, 53, 54, 55 and 56, admeasuring 1725 square meters from Mr. Vallabhdas Nemichand Rathi vide sale-deed registered on 14-12-2000. She further stated that her husband purchased plots 35, 36, 37 and 38 forming portion of Gat 24 from Mr. Laxman Vithuji Nimkarde vide registered sale-deed dated

16-12-2000. In November 2020, the informant learnt from Mr. Vasudeo Patil that since he was interested in purchasing seven plots from Mr. Rajesh Bhojwani and Mrs. Neelam Bhojwani, he engaged Advocate Mr. Bichare to verify title. While Mr. Rajesh Bhojwani and Mrs. Neelam Bhojwani claimed title on the basis of sale-deed executed by the applicant-Pradeep Rathi, the verification did not come across any document of title in the office of the Sub-Registrar of Documents or an entry supporting the claim to title. The informant alleges that her deceased husband did not enter into any agreement, muchless a registered sale-deed, concerning the plots, in favour of the applicant or any other person. She alleged that the applicant fabricated and forged sale-deed dated 01-4-2004 purportedly registered at serial 1530 of 2004 and manipulated a mutation entry on the basis of the forged and fabricated document and then sold the fourteen plots to gullible purchasers.

3. I have heard the learned Counsel Mr. A.D. Bhate for the applicant, the learned Additional Public Prosecutor Mr. N.R. Rode and the learned Counsel Mr. A.C. Dharmadhikari who is assisting the prosecution, and with their able assistance, the material in the charge-sheet is scrutinized.

4. In my considered view, there is overwhelming and formidable material on record to *prima facie* connect the applicant with the crime.

5. The sale-deed dated 01-4-2004 on the strength of which the applicant obtained mutation entry dated 18-3-2013 is, according to the statement of the Sub-Registrar of Documents, a fabricated and fraudulent document. Mr. Anil Pawar, who then was the acting Sub-Registrar of Documents, has listed the following circumstances and reasons in support of the assertion that there was no document purporting to be sale-deed dated 01-4-2004 registered at the office of the Sub-Registrar of Documents.

(i) The document which is registered at serial 1530 on 01-4-2004, is a totally different and unconnected document which is an agreement between Mr. Premnarayan Gupta and Mr. Suraj Madhusudan Agrawal. The document on the basis of which the applicant obtained the mutation entry and then sold the plots, is not registered at the office and there was no entry which refers to such document.

(ii) The document bears the photographs of the applicant, as the purchaser, and that of the deceased husband of the informant, as the seller. However, in 2004, there was no practice muchless rule or requirement, of affixing photographs on the document.

(iii) The seal on the document which purports to be that of the office of the Sub-Registrar of Documents is illegible.

(iv) Index-1 and Index-2 is computerized since 2002. However, Index-1 and Index-2 annexed to the disputed sale-deed is hand written or typed.

6. The record reveals that the disputed document is not registered at all muchless at the survey number and date claimed and at the serial number concerned an entirely unconnected document between Premnarayan Gupta and Suresh Agrawal which is an agreement, is registered.

7. Considering the serious allegations of forging and fabricating the Government stamps, seals and a document styled as sale-deed on the basis of which the applicant obtained mutation in his name in the year 2013, the applicant is not entitled to bail.

8. However, considering the age of the applicant and the fact that he is suffering from certain ailments, an early trial is expected. While I am rejecting bail, liberty is reserved with the applicant to apply afresh if there is no significant progress in the trial in the next six months. This liberty is subject to two conditions. The first is that copy of this order shall be brought to the notice of the trial Court on or before 15-11-2021 and the second is that lack of progress, if any, must not be attributable to the accused.

9. The application is dismissed.

JUDGE

adgokar