

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.334 OF 2022

SURYAKANT S/O MAHADEO KHOBRE
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. G. R. Syed, Advocate for applicant.
Mr. A. M. Phule, APP for the respondent – State.
...

CORAM : SMT. VIBHA KANKANWADI, J.

Reserved on : 05.04.2022

Pronounced on : 22.04.2022

ORDER :-

1. The applicant is apprehending his arrest in connection with Crime No.88 of 2022 registered with Shivaji-Nagar Police Station, Dist. Latur for the offences punishable under Sections 420, 465, 468, 471 of Indian Penal Code and under Section 82 of the Indian Registration Act, 1908.

2. Heard learned Advocate Mr. G. R. Syed for the applicant and learned APP Mr. A. M. Phule for the respondent – State.

3. It has been vehemently submitted on behalf of the applicant that the applicant is an old aged person suffering from various ailments. The story in the FIR is in respect of document which was executed and registered on 30.11.2021, however, the informant was silent and has not stated as to why there was

necessity for cross verification of the alleged forged document after a long time. The applicant is also an illiterate person and due to his old age, he had assigned the work of taking out necessary permissions or documents on a person known to him. In fact, it appears that the applicant himself has been cheated by such person. The applicant is ready to abide by the terms of the bail.

4. Per contra, the learned APP has strongly opposed the application and submitted that the FIR has been lodged on behalf of the Government and it is in respect of forgery of order allegedly passed by the Collector Office, Latur in respect of regularization of Gunthewari. When no such order was passed at all, there is no question of point of delay that can be canvassed for taking benefit of such document. Investigation is still going on and, therefore, the alleged delay can also be explained. Even fake layouts have also been shown, which are stated to be approved by the Town Planning and Valuation Department. The Government has been cheated in this case and, therefore, the applicant, who has received the benefit cannot be allowed to take disadvantage of such fake order. The applicant had sold his plot to one Balika Saudagar Pund and it has been sold for amount of Rs.4,80,000/-. It can be said that she has also been cheated by the present applicant and such statement has been given by her though in the sale-deed it is stated that the consideration was for Rs.1,05,000/- only. Activities of such person is definitely required to be curtailed.

5. At the outset, when it comes to forgery of documents in the name of Government orders or orders passed by any of the Government Department is concerned, they will have to be viewed seriously. Here, literally an order saying that the Gunthewari (Plots/Divisions) have been regularized has been prepared. This could be revealed only when another case was found of similar order, which was in the name of one Azim Fayyum Patel. Information has been sought from Collector office as to on which document, the correct outward number is mentioned and to whom that document was addressed and it is stated that, the said document was in respect of Non Agricultural order for MIDC project. Definitely, when similar orders appear to have been prepared, one in the name of one Azim Fayyum Patel and another in the name of present applicant, there appears to be racket, that racket will have to be busted and for that purpose, the physical custody of the applicant is necessary. After considering the documents in favour of the applicant, the proposed purchaser had parted with the amount. Now, it is to be noted that this order is fake and, therefore, the alleged title that would have passed is also jeopardized. Merely because the applicant is old age person and suffering from ailments (for which no document has been produced) will not be the ground for granting anticipatory bail. The way in which the offence is stated to have been committed will have to be considered before the other criteria are applied. Statement of witnesses have been recorded, especially the lady who has purchased the land from the present applicant. She states that she had given amount of Rs.4,80,000/- for purchasing the property. She also

appears to be somewhat illiterate and a rustic lady.

6. Taking into consideration all these facts, this is not a fit case where extraordinary discretionary power of this Court can be used in favour of the applicant. The application stands dismissed.

[SMT. VIBHA KANKANWADI, J.]

scm