

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.954 OF 2022

**VASANT SADASHIVRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Thorat Nanabhau R
APP for Respondent/State : Mr. V.M. Kagne
...

CORAM : S.G. MEHARE, J.

DATED : 22nd AUGUST, 2022

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. Learned counsel for the applicant has vehemently argued that he has played no fraud. His land was acquired hence, project affected certificate was issued to him. He never committed the forgery. He acted upon the certificate and secured the job. However, after 30 years on the basis of some complaints, the Government awakened and started taking action by making false allegations that the applicant has forged the holding certificate and the award statement. In fact his land was acquired. The holding certificate shows his ownership over the land. The revenue authority has illegally cancelled his certificate. He has challenged it before the High

Court. Since the alleged incident is 30 years old and he has not committed any offence, the custodial interrogation is not required.

3. Learned APP has strongly opposed the application contending that the applicant is the author of the forged documents. He has added his name in the award statement. His land was never obtained, but he has placed before the District Officer, a copy of the Award Statement 'E' and holding certificate. Therefore, merely on the document submitted by the applicant, the project affected certificate was issued. The applicant is the author of forging all these documents with somebody else, therefore, the custodial interrogation would help to unearth the truth. Therefore, the applicant is not entitled to the anticipatory bail.

4. The prosecution has no case that the project affected certificate was not issued by it. However, it has a stand that the holding certificate and Award Statement 'E' were forged by the applicant. A detailed enquiry does not disclose that the applicant is the owner of the land which was covered under the land acquisition. No doubt, the certificate was issued and acted upon by the applicant and he has secured the job. The entire record is lying with the prosecution. It is a matter of detail investigation how those documents have been created. The copy of the award statement was also given by the office of the land acquisition. So, considering the length of the offence, this Court is of the view that custodial

interrogation would not help the prosecution. However, certain conditions may be imposed on the applicant. Hence, the following order :

ORDER

(A) The application is allowed.

(B) Interim protection granted to the applicant by order dated 27.07.2022 is confirmed on the same terms and conditions of bail bonds with a further condition that he shall attend the police station on 25.08.2022 to 29.08.2022 between 11.00 am to 01.00 pm. If he would not attend the police station, the prosecution is at liberty to file an application for cancellation of anticipatory bail.

(S.G. MEHARE, J.)