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

ANTICIPATORY BAIL APPLICATION NO.1005 OF 2022

Dashrath s/o. Jivanlal Choudhari,
Age 42 years, Occu. Agri. and Business,
R/o. Choudhari Nagar, Mantha Road,
Jalna, Taluka and District Jalna. .. Applicant

Versus

The State of Maharashtra
Through the Police Inspector,
Police Station, Kadeem, Jalna,
Taluka and District Jalna .. Respondent

Mr Sachin S. Bhise, Advocate for applicant;
Mr S. B. Narwade, A.P.P. for respondent/State

CORAM : S. G. MEHARE, J.

DATE : 26th August, 2022

PC.

1. By this application, the applicant seeks his release on pre-arrest bail in C.R.No. 0299 of 2022, registered with Kadeem Police Station, Jalna, for the offence punishable under Sections 420, 456, 467, 468, 470, 471 read with Section 34 of the Indian Penal Code.
2. Heard the learned counsel for the applicant and the learned A.P.P. for respondent/State.
3. The first information report is registered against the applicant, alleging that the applicant, with other co-accused, hatched a conspiracy and produced the documents of fake signatures of the

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Village Development Officer and fake stamps on the Gavthan certificate form No. 8 and got the document Nos. 1531/2021 and 1532/2021 registered. It has also been alleged against the applicant that he has produced a fake N.A. order of Tahsildar dated 27.09.1983. The applicant and other co-accused knew that those documents were fake. To cheat the Government, they got the documents registered. On the basis of the report lodged by the Sub-Registrar Class-II, Jalna, an offence is registered against the applicant and other co-accused for the offence punishable under Sections 420, 456, 467, 468, 470, 471 read with Section 34 of the Indian Penal Code.

4. The learned counsel for the applicant has vehemently argued that initially, one Arun Shamrao Mhaske has lodged the report with the complainant contending that he has made the complaint regarding document Nos. 1531/2021 and 1532/2021. He also stated in his letter dated 29.03.2022 that the present applicant owned those plots and did not lodge the report against the present applicant. However, during the hearing, document Nos. 1531/2021 and 1532/2021 are repeatedly coming forward. They have not made a complaint about these documents. They have no complaint against the applicant. Hence, they are taking their complaint back. The document Nos. 1531/2021 and 1532/2021 may be deleted from the complaint. He has also referred to a letter dated 05.04.2022 signed by the present complainant, wherein it has been mentioned that Arun

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Mhaske has withdrawn the complaint about document Nos. 1531/2021 and 1532/2021. The learned counsel for the applicant has vehemently argued that the applicant has no concern with the other documents. He has played no fraud with the Government. Therefore, the applicant may be released on anticipatory bail.

5. The learned APP has strongly opposed the application. He would point out that the complainant has made an inquiry in detail and collected the documents from various authorities, and it was transpired that though Arun Mhaske has withdrawn the complaint about documents Nos. 1531/2021 and 1532/2021, it has further been transpired that the document attached with those documents viz. document No. 1533/2021, the fake signature of the Village Development Officer with fake stamps on Gavthan certificate and form No. 8 were produced. The N.A. order attached with the said documents was also fake. Criminal law can be put in motion by anybody. He would refer to the letter of the complainant dated 05.04.2022 and would point out that it has been specifically mentioned in the said letter addressed to the Police Inspector to make an inquiry about document No. 1533/2021, and the crime may be registered against the concern. *Prima facie* evidence is available against the applicant that the fake documents were attached to the said transaction. The withdrawal of the complaint by Arun Mhaske cannot excuse the applicant and the other accused. A fraud has been

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played with the public office and the Government. The forged documents were prepared and the applicant has a concern with those documents. Therefore, anticipatory bail may not be granted.

6. It is a settled law that anybody can put the criminal law in motion. Though Arun Mhaske has withdrawn his complaint, in an inquiry made by the complainant, it transpired that fake documents were produced with the documents Nos. 1531/2021, 1532/2021 and 1533/2021. Serious allegations have been levelled against the applicant and other co-accused that fake certificates under the fake signatures of the Village Development Officer and fake N.A. order were placed on record with the said documents. Therefore, it cannot be said that since Arun Mhaske has withdrawn the complaint, the applicant may be absolved. The fake documents have been placed before the Sub-Registrar, and those have been got registered. The learned A.PP has correctly pointed out that the plot numbers which are claimed to be purchased by the applicant are still in the name of one Bora. Therefore, the documents fall under the shadow of a doubt. The learned counsel for the applicant has placed on record a copy of the document bearing No. 1533/2021 and would submit that he has no concern with the said transaction.

7. Perusal of the record reveals that some fake documents were placed on record before the Sub-Registrar. The applicant has a concern with those documents. The documents allegedly forged are

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public documents. *Prima facie* strong evidence is available against the applicant. Hence, the applicant is not entitled to anticipatory bail. The application, therefore, stands dismissed.

(S. G. MEHARE, J.)

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