

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.31 OF 2022

Nitin Hanmanat Kurule & Anr.	...Applicants
vs.	
The State of Maharashtra	...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.3100 OF 2021**

Nagnath @ Nagesh Shivaji Ghodke	... Applicant
Vs	
The State of Maharashtra	... Respondent

Mr. Ritesh Thobade for the Applicants in both ABA
Mr. Laxman Kalel, for the Intervener.
Mr. A. A. Palkar, APP for the respondent-state.

CORAM : NITIN W. SAMBRE, J.

DATED : 20th September, 2022

P.C.:

1. Heard.
2. The applicants are seeking pre-arrest bail in crime no. 1299 of 2021 registered with Sangola police station for the offence punishable under sections 120B, 417, 420, 465, 467, 468 & 471 of IPC.
3. The case of the prosecution is, one Parvatibai was the owner of the land, gat no. 371. The co-accused i.e. the brother of the applicant viz. Jalindar got sale deed executed of said land by impersonation.

4. It appears that the applicant-Nagnath appears to have secured a forged death certificate of Parvatibai with an intention to use the same so as to establish lawful title to said property as his brother - Janlinder by impersonation got the sale deed executed in his favour in relation to the said property.
5. The submissions of learned counsel for the applicants are, the applicants involvement in the crime in question which warrants their custodial interrogation cannot be justified from the fact of the case as the applicants have no connection to whatsoever property in question.
6. According to him, in absence of any criminal antecedents, the applicants who are very much available for investigation should be ordered to be released on bail.
7. Similarly, as far as the case of applicant-Nitin is concerned, he would urge that only role attributed to the said accused is that of witnessing the sale deed.
8. Learned APP with the assistance of counsel for the complainant would oppose the prayer based on the investigation carried out till this date.
9. I have appreciated the submissions in the backdrop of findings recorded by the Sessions Court while rejecting the prayer for grant of

anticipatory bail application. The Session Court in detail has not only considered the role played by the applicants in commission of offence but also considered the effect of the procurement of the forged death certificate of Parvatibai in the proceedings pending u/s. 32(g) of the Maharashtra Tenancy and Agricultural Lands Act.

10. It appears that the Applicant - Nagnath has moved an application to the village panchayat thereby seeking issuance of the death certificate with an intention to use the same in the tenancy proceedings which was pending in between the tenant and Parvatibai. The co-accused - Nitin has witnessed the execution of the sale deed, when it was executed by other than the original owner viz. Parvatibai i.e by impersonation.

11. For the aforesaid background, the criminal conspiracy hatched by the applicants and members of their team is very much established. The use of the forged documents with an intention to cheat the tenant is established because of participation of the applicants in the offence in question.

12. That being so, no case of bail is made out. Both these applications fails and stands rejected.

(NITIN W. SAMBRE, J.)