

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.193 OF 2021

Ashok Damdu Chavhan & Anr.	...Applicants
Vs.	
The State of Maharashtra	... Respondent

Mr.Kuldeep U. Nikam for the Applicants.
Mr.Y.Y. Dabke, APP for the Respondent-State.
Mr.Chintamani Bhangoji for the Intervenor.

CORAM : C.V. BHADANG, J.

DATE : 22 MARCH 2022

P.C.

. The Applicants, are respectively the Deputy Inspector of Land Records and Maintenance Survivor working in the Office of the Deputy Inspector of Land Records at Valwa, District-Sangli.

2. This Application is filed for anticipatory bail, apprehending arrest, in Crime No.828 of 2020 registered with Islampur Police Station, District-Sangli under Section 420, 465, 468 and 471 read with Section 120B of the Indian Penal Code.

3. The aforesaid crime was registered on the basis of a direction issued by the learned Magistrate under Section 156(3) of Cr.P.C. on the basis of a complaint lodged by Sunil Subhash

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Pawar. The Applicants are shown as Accused Nos.2 and 3 in the said complaint while Rohan Shinde is the Accused No.1.

4. There is a dispute about an easementary right of way between the informant and Accused No.1 Rohan Shinde. An Application for measurement was made by the Accused No.1. Notices were allegedly issued by the Office of Deputy Superintendent of Land Records and the measurement was carried out after which a mutation entry was taken.

5. It is alleged that without actually carrying out the measurement it was shown that the measurement was carried out after showing that the notices were served on the adjoining landowners, some of whom were dead. According to the informant the Applicants had acted in collusion with the Accused No.1 Rohan Shinde.

6. Upon hearing the learned counsel for the parties it transpires that the concerned measurement has been cancelled and even the mutation entry taken on the basis of the same has also been cancelled by the Revenue Authorities.

7. The record discloses that interim protection was granted to the Applicants on 21 January 2021 which is operating since then.

8. The learned counsel for the Applicant submits that the Applicants have reported to the Investigating Officer and have co-operated in the matter of investigation. I find that the evidence in the context of the allegations made is bound to be of a documentary nature, which can be seized by the Investigating Officer, if not already seized.

9. In such circumstances, the Criminal Application is disposed of in terms of the order dated 21 January 2021 which is hereby made absolute, subject to the condition that the Applicants shall co-operate with the Investigating Agency as and when required and shall produce all the necessary documents as may be required by the Investigating Officer and shall not tamper with the prosecution evidence/witnesses.

C.V. BHADANG, J.