

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.409 OF 2022

Jayant Vasant Lilake

...Applicant

Vs.

The State of Maharashtra

... Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.410 OF 2022

Baburao Walu Rikame

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Aniket U. Nikam a/w Mr.Ashish Satpute and Mr.Amit R. Icham, for the Applicant.

Mr.S.R. Agarkar,APP for the Respondent-State in ABA No.409 of 2022.

Mr.R.M. Pethe, APP for the Respondent-State in ABA No.410 of 2022.

Mr.Vijaykumar S. Kothawle, PSI, Nashik Taluka Police Station.

CORAM : C.V. BHADANG, J.

DATE : 16 FEBRUARY 2022

P.C.

. Both these Applications, seeking anticipatory bail arise out of Crime No.15 of 2022 registered with Nashik Taluka Police Station, Nashik, under Section 420, 468 and 471 read with Section 34 of the Indian Penal Code.

2. The Applicant Jayant Vasant Lilake is the Circle Officer while the Applicant Baburao Walu Rikame is the Talathi at Vilholi, District-Nashik. The aforesaid offence is registered on the basis of the complaint lodged by Circle Officer, Shashikant Pandurang Vidhate on 12 January 2022.

3. It is the prosecution case is that there was a sanctioned lay out plan in land Gut No.149/2, 150/2 and 150/3 at village Vilholi, by which the land was converted for industrial use. However, the Sarpanch and the village Development Officer of Grampanchayat Vilholi, used a fabricated lay out and signed on the same as being genuine. On the basis of the said lay out certain Sale Deeds were executed in favour of the third party.

4. The allegations insofar as the present Applicants are concerned are that, while recording Mutation on the basis of such Sale Deeds, they failed to observe necessary precautions and genuineness of the lay out was not verified which was resulted into illegal subdivision of the plots, creating legal complications.

5. I have heard the learned counsel for the Applicants and the learned Additional Public Prosecutor. Perused record.

6. As noticed earlier, the only allegation against the Applicants who are Revenue Officers is of failure to take

necessary precautions and to verify the genuineness of the lay out which has resulted into illegal sub division of the plots and certain legal complications. The learned counsel for the Applicants submitted, and to my mind rightly so, that as a Talathi who effects the Mutation Entry which is certified by the Circle Officer, the Revenue Officers cannot travel beyond the registered documents. Once the parties had produced a registered document in their favour and there was no objection raised to the Mutation/Certification, the same was required to be recorded.

7. *Prima facie* it cannot be accepted that the Applicants failed to observe the necessary precautions. In any event a bare perusal of the FIR discloses that all allegations against the Applicants are of negligence, namely of failure to take proper precautions and necessary verification. The FIR does not *prima facie* attribute any active intention to the Applicants.

8. It can further be seen that the lay out as well as the registered Sale Deeds are in the nature of the documentary evidence which are or can be seized by the Investigating Agency. Considering the overall circumstances, I do not find that the custodial interrogation of the Applicants is warranted in the matter.

9. In the result, the following order is passed.

ORDER

- (i) In the event of their arrest in connection with investigation of Crime No.15 of 2022 of Nashik Taluka Police Station, the applicants Jayant Vasant Lilake and Baburao Walu Rikame shall be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.
- (ii) The applicants shall report to the Investigating Officer on 1 and 2 March 2022 between 11.00 am to 1.00 p.m. and as and when called by the investigating officer and shall co-operate with the Investigating Agency.
- (iii) The applicant shall produce all the necessary records, as may be required by the Investigating Officer and which are within the powers of the Applicants.
- (iv) The applicants shall not tamper with the prosecution evidence/witnesses.
- (v) The Criminal Applications are disposed of in the aforesaid terms.

C.V. BHADANG, J.