

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

ANTICIPATORY BAIL APPLICATION NO. 519 OF 2022

1) Mrs. Surekha Nana Patil	
2) Mr. Bhim Ragho Patil	 Applicants
v/s.	
The State of Maharashtra	 Respondent

Mr. Shubhankar Ghosh i/b. Mr. H.D. Magar for the Applicants.
Mr. S.H. Yadav, APP for the State.
Mr. Ajit Savagave for the original complainant.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 19th APRIL, 2022.

P. C. :-

1. This is an Application under section 438 of Cr.P.C. for pre-arrest bail in C.R.No.I-327/2021 dated 05/12/2021 registered with Dombivali Police Station, Dist. Thane for offences punishable under sections 120(B), 420, 464, 465, 466, 471 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Ghosh, learned counsel for the Applicants, Mr. S.H. Yadav, learned APP for the State and Mr. Ajit Savagave, learned counsel for the original complainant. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by Ujwala Yashodhan Patil. A perusal of the FIR prima facie reveals that Tukaram Ragho Patil and both these Applicants had entered into a development agreement dated 21/01/2020 in favour of Nitin Naik in respect of land under Survey No.80/2 of village Aayere. The complainant had alleged that as per the survey records, the area of the property was 2.01 hectares equivalent to 210 sq. meters. She has alleged that Tukaram Patil and the Applicants had forged and fabricated the 7/12 extracts wherein they have shown the area of land as 1.9R whereas as per the fabricated 7/12, the area of land is shown as 4R. He has further stated that pursuant to the development agreement, the builder has started construction of the said land. It is stated that the documents including CC and other permissions are forged and fabricated. Based on these allegations, the aforesaid crime came to be registered.

4. The records indicate that in 7/12 extracts in respect of property under Survey No.80/2, name of Ragho Patil was recorded. Whereas, in the subsequent 7/12 extracts annexed to the development agreement, name of Tukaram Patil and both these Applicants have been recorded.

The report of Tahasildar indicates that subsequent entry is forged and fabricated. It is true that the Applicants are signatories to the development agreement. However, there is no prima facie material on record to indicate that they are involved in forging and fabricating the survey records and/or all other permissions.

5. The records indicate that the Applicants were granted interim protection on 26/02/2022. Learned APP has stated that subsequent to the said order, the Applicants have appeared before the Investigating Officer and that they have been duly interrogated. Considering the above facts and circumstances, in my considered view, this is not a case which would justify custodial interrogation. Hence, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicants in C.R.No.I-327/2021 dated 05/12/2021 registered with Dombivali Police Station, Dist. Thane they shall be released on bail on furnishing bail bonds in the sum of Rs.30,000/- each with one or two sureties in the like amount ;

(b) The Applicants shall report to the Investigating Officer

of the concerned Police Station as and when called ;

(c) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The Application stands disposed of.

PREETI
H JAYANI

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PREETI H JAYANI
Date: 2022.04.22
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(SMT. ANUJA PRABHUDESSAI, J.)