IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 718 OF 2022

Gotiram Asaram Badhe ..Applicant
V/s.
The State of Maharashtra ..Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO. 529 OF 2022

Mahesh Chandrakant Parge ..Applicant
V/s.
The State of Maharashtra ..Respondent

Mr. Satyavrat Joshi with Nitesh Mohite for the Applicants.
Mr. Y.Y.Dabke, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 23 MARCH 2022

P.C.

1. Both these applications seeking anticipatory bail, arise out of Crime No. 34 of 2022 registered with Haveli Police Station, Dist. Pune under Section 420, 467, 468, 471 and 447 of IPC. As such they are being disposed of by this common order.

2. The aforesaid crime, is registered on the basis of the complaint lodged by Mohan Keshav Deshpande. According to the informant, there was a Sale Deed dated 11.08.2021 executed

by the accused No.2 in favour of the accused No.1 by impersonating the informant. The sale deed was in respect of the land belonging to the informant situated at Village Gorhe Khurd, Taluka Haveli, District Pune bearing Gat No. 100. Insofar as the present Applicants are concerned, who are accused Nos. 3 and 4 in the crime, the allegation is that they have signed on the sale deed as witnesses.

3. I have heard learned counsel for the parties. Perused record.

4. It is submitted by the learned counsel for the Applicants that the Applicants had signed as witnesses and have identified the person, who was executing the sale deed as Mr. Mohan Keshav Deshpande on the basis of the identification made by Advocate Mr. Pandit. It is submitted that accused No. 1 who is the purchaser of the land, under the sale deed, has transferred the consideration amount, by way of a Bank entry in the account of Mr. Mohan Keshav Deshpande. He submitted that prior thereto a public notice was issued calling for objections from the public at large. He, therefore, submitted that it was a genuine transaction of sale and the Applicants had no complicity, except that the Applicants had signed the sale deed as witnesses on the basis of the identification by the concerned Advocate Mr. Pandit. It is submitted that the evidence is likely to be of a documentary

nature and the custodial interrogation of the Applicants is not necessary.

5. The learned APP has submitted that the Applicant without knowing or being acquainted with the person by name Mohan Keshav Deshpande have signed as witnesses on the sale deed, thereby facilitating the execution of the sale deed by impersonation. The learned APP has pointed out the statement of Adv. Shankar Pandit recorded on 07.03.2022 in order to submit that it was on the basis of the forged and fabricated Aadhar card etc. that Mr. Pandit was induced to sign the sale deed by way of identification. It is submitted that the matter requires investigation as to whether even the account in which the amount of consideration is shown to be transferred is belonging to the informant Mohan Deshpande or not.

6. I have given my anxious consideration to the rival circumstances and the submissions made. A specific query was made to the learned counsel for the Applicants, whether the Applicants were acquainted with or were knowing Mr. Mohan Keshav Deshpande, to which the answer is in the negative. It can thus be seen that admittedly, without knowing the informant Mohan Keshav Deshpande, the Applicants have signed the sale deed as witnesses identifying the accused no.2 as Mohan Keshav Deshpande which prima facie indicates that the Applicants have facilitated the execution of the sale deed by impersonation. The

question whether even the accused no.1 who is shown to have purchased the property is also a part of the conspiracy is the matter of investigation. The statement of Adv. Pandit shows that even he was induced to the sign on the sale deed on the basis of Aadhar card and PAN card etc.

7. It is necessary to note that owing to the escalation in the price of the real estate, similar offences of execution of the conveyance/transfer deeds of the immovable properties by impersonation are on the rise and matter therefore, requires proper investigation which is paramount consideration at this stage.

8. It is necessary to note that the Supreme Court in *State Rep. by the C.B.I. v/s Anil Sharma*[1] has held that, "custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code". In my considered view, once it is accepted that the Applicants without knowing the person who was executing the sale deed, had signed as witnesses identifying the person executing sale deed as Mohan Keshav Deshpande, no case for grant of pre-arrest bail is made out.

9. The criminal applications are accordingly rejected.

1 (1997) 7 Supreme Court Cases 187

10. It is made clear that the observations herein are for the limited purpose of deciding the applications for anticipatory bail and the learned Sessions Court shall not be influenced by the same at any subsequent stage of consideration of application for regular bail, if any.

11. At this stage the learned counsel for the Applicants seeks extension of the interim relief which was operating. In order to give a fair chance to the Applicants, the interim order already operating shall continue for a period of two weeks.

(C.V. BHADANG, J.)