

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 578 of 2022

Harbans Singh Premsingh Wasan	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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Mr. Priyal Sarda i/b Ajay Waghmare for the applicant.
Smt. S.S. Kaushik, APP for the State.
API Shri Sunil J. Ankolikar from Tilaknagar police station.

CORAM: BHARATI DANGRE, J.
DATED : 11th MARCH, 2022

P.C:-

1 The applicant is apprehending his arrest in C.R.No. 348 of 2019 registered with Tilak Nagar police station on 10/8/2019, invoking Sections 420, 465, 467, 472 r/w Section 34 of the IPC

2 The said C.R. arraigns the Secretary of various proposed housing societies as accused, in the wake of the allegations that various documents for allotment of the plot to the Societies submitted under the signature of the Secretary of the six societies or proposed housing scheme, are not genuine and were never issued by the Revenue or Forest Department. The

Tilak

said documents were produced before the Collector, projecting that permission has been granted for the registration of the proposed societies.

3 The allegations are serious in nature. The alleged letter dated 12/6/2019 addressed to the Collector, Bombay, reveal that forgery has been committed and fraudulent documents are relied upon. The attempt to mislead the Government is highlighted in the letter dated 4/6/2019 issued by the Addl. Secretary of Revenue and Forest Department.

 The offence is serious since the official communication of the Revenue and Forest Department is alleged to have been forged for the purpose of allotment of land to the proposed housing society. This require a thorough investigation.

4 On 20/10/2021, this Court was pleased to reject the Anticipatory Bail Applications of two co-accused, who claim to be the Secretary/Chairman of the Proposed Co-operative Society and has recorded that the alleged document dated 21/8/2021 claim to have been issued by the Revenue Department under the signature of the Addl. Chief Secretary was found to be forged.

 The following observations in the said order is equally applicable to the present applicants and justify the rejection of the application :-

“7 It appears that based on the forged letter dated 21st August, 2012, issued under signature of Additional Chief Secretary, Government of Maharashtra, the applicants i.e. the office bearers of proposed Co-operative Housing Society entered in correspondence with the office of the Collector. The applicants are beneficiaries of such forged communication as based on such communication, the applicants have entered into further communication with the Collector seeking mutation in revenue records and possession of the property etc. The forged communication has basis of the earlier correspondence by the applicant.

8. The officials from the Mantralaya, who are involved in the offence in question are yet to be released on regular bail. The applicants appear to be direct beneficiaries of such forged documents and at this stage, it is difficult to infer that the applicants are not involved in the crime in question, they being beneficiaries”.

5 On the last date of hearing, the learned APP was directed to produce on record the applications which were preferred to the Government and the Collector, seeking allotment of plot of land to ascertain whether the applications is under the signature of the present applicants. The learned APP has produced on record the said application, which bear the signature of the Secretary of six co-operative societies and the application reveal that the applicant has signed in the capacity as Secretary of Guru Nanak Co-operative Society.

6 In the wake of the above, application is rejected.

SMT. BHARATI DANGRE, J