

SALGAONKAR  
M M  
Digitally signed by  
SALGAONKAR M  
M  
Date: 2022.03.14  
21:47:39 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO.610 OF 2022**

Govardhan Ragho Kamble .. Applicant

Versus

The State of Maharashtra .. Respondent

...

Mr.Shantanu R. Phanse for the Applicant.

Mr.Ajay Patil, A.P.P. for the State/Respondent.

...

**CORAM: BHARATI DANGRE, J.**

**DATED : 08<sup>th</sup> MARCH, 2022**

**P.C:-**

1. Heard the learned Advocate Shri Shantanu Phanse for the applicant and the learned APP Shri Ajay Patil for the State.

The applicant is apprehending his arrest in C.R.No.I-26 of 2022, registered with Mumbra Police Station on 11/01/2022, invoking Sections 420, 465 and 471 of the Indian Penal Code.

2. The crime came to be registered on the complaint filed by one Shri Subhash Jadhav, the Circle Officer, Mumbra District, Thane alleging that the Deputy Chief Project Manager of National High Speed Rail Corporation Ltd. has submitted the letter dated 03/05/2019 alongwith certain documents in form

of 7/12 extract and mutation entry Nos.271 and 288 in respect of land bearing No.73/2 admeasuring about 0-45-00 or 45000 sq.mtrs. situated at Betawade village. It is alleged that name of Shri Uday Mangilal Parmar and nine others was reflected as occupier in 7/12 extract of Survey No.73/2. Out of this, land admeasuring 0-31-59 is belonging to Uday Mangilal Parmar whereas the land admeasuring 0-31-41 is reflected in the name of National High Speed Corporation Ltd.

3. It is alleged that the letter dated 03/05/2019 came to be submitted for seeking permission to sell the land bearing Survey No.73/2, by relaxing condition contemplated in Section 43 of Bombay Tenancy and Agricultural Land Act, 1948 (**for short, "the BT&AL Act"**) and while these documents were being verified, it is revealed that the applicant, his mother Halubai and Sundarabai are shown as legal heirs of the land bearing Survey No.73/2 and 7 other parcels of land. The mutation entry No.271 revealed that one Ragho Kamble, who had died 6 to 7 years ago, however, in the said survey number, the mutation entry revealed that the certificate is issued under Section 32M of the BT & AL Act bearing No.3736 dated 17/03/1986. It is further alleged that the signature and seal of the Talathi thereupon is forged, as the said entry is not found in the mutation register. It is, thus, alleged that 7/12 extract annexed alongwith the application is bogus and forged, bearing the forged signature of Talathi and similarly entry No.288 and certificate issued under Section 32M of the BT & AL Act dated 17/03/1986 did not reflect any entry in respect of the land bearing survey No. 73/2. It was also alleged that these forged

and bogus documents were submitted by the applicant to the National High Speed Rail Corporation.

In the wake of the above, the Sub-Divisional Officer, Thane directed the Circle Officer, Mumbra to register a complaint against the person, who forged the subject documents and those who submitted the same. This resulted in the subject C.R. being registered with Mumbra Police Station.

4. The learned counsel for the applicant would submit that the original owner of survey No. 73/02 is one Rupchand Hajarimal, who was partner in Lumbaji Company and he has given the alleged land property to the father of the applicant for cultivation before the tiller day i.e. 01/04/1957 and, therefore, his name came to be mutated in the revenue records vide mutation entry No.133 on 27/05/1953, which was confirmed on 07/06/1956. The submission is, the Additional Tahsildar directed the applicant to deposit the purchase price of the land as per Section 32G. The further submission is, Ragho Daji Kamble, father of the applicant, died in the year 1970 and after him, the names of his legal heirs i.e. the present applicant, Halubai and Sundarabai came to be mutated in the record on 18/10/1977. Subsequent to death of Halubai and Sundarabai, their names were deleted and the name of the applicant is mutated as tenant in the revenue records.

5. The learned APP would, however, submit that the applicant preferred an application to the Sub-Divisional Officer

on 03/02/2019 stating that the property contained in survey No.73/2 has been sold 10 years' back and, therefore, permission may be granted to sell the land. The learned APP would submit that the documents accompanying, are forged and the signature of Talathi is also forged, as there are no corresponding entries in the land record. On the contrary, it is submitted that in the Government record, the names of Ramesh Bhurmal Parmar and Tipubai Parmar are recorded as against Survey No.73/2. As far as Ferfar No.288 is concerned, the document which the applicant had produced, refer to six survey numbers whereas in the Government record, the Ferfar pertains to only five survey numbers. This apparently makes the documents produced by the applicant doubtful and the submission of the learned APP is to the effect that this requires a custodial interrogation.

6. The applicant is accused of serious offence of forging the signature of the Talathi and forging the entries in the land record. Since, the allegations are of serious nature, pertaining to the land revenue record, I am not inclined to grant any protection in favour of the applicant.

The application is rejected.

( SMT. BHARATI DANGRE, J.)