

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

ANTICIPATORY BAIL APPLICATION NO. 754 OF 2022

Rajesh Madhukar Hedao & Anr.	..Applicants
V/s.	
The State of Maharashtra	..Respondent

Mr. Pravin U. Gaikwad, for the Applicants.
Mr. A. R. Kapadnis, APP for the Respondent/State.
PHC 1883 Sandip P. Ghotkar, Lonavala City Police Station, Pune
(Rural).

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**CORAM : C.V. BHADANG, J.
DATE : 24 MARCH 2022**

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. The Applicants, apprehending arrest, in connection with investigation of Crime No.87/2021 of Police Station Lonavala City, Pune (Rural) under Section 447, 448, 451, 427, 323, 504, 506, 143, 147 and 149 of IPC, are seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of complaint dated 20 August 2021 lodged by Harbindersingh Gurunamsingh Manaku. He states that he had purchased Plot No.62 from out of Survey No.35/02 at Lonavala, for Rs.7 Lakhs under the registered sale deed dated 19 March 2002. The said sale deed is

executed by Prasad Etne, the Power of Attorney holder of Vatsalabai Dhumal. Vatsalabai Dhumal has expired on 2 August 2010. In 2016, the informant learnt that there is a public notice issued by Advocate Sandeep Agrawal in respect of the said plot. Hence, the informant showed all the documents to Advocate Sandeep Agrawal who state that the notice would be cancelled as he was satisfied with the documents in favour of the informant. However, the informant after making inquiry with the Sub Registrar Officer at Lonavala, learnt that a person by name Rajesh Madhukar Hedao (i.e. the Applicant No.1) had prepared false and forged documents of a sale deed showing purchase of the said plot by him. There was also a civil suit filed in which the informant has succeeded in the year 2017, which is subject matter of appeal.

3. On 18 August 2021, at about 6.00 p.m. the Applicant learnt from Samir Shaikh who was looking after the property that the Applicants and 10 to 15 musel-men had entered into said plot and demolished the shed as well as board displayed on the plot. It is thereafter, the informant lodged the complaint, which is under investigation.

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

5. The learned counsel for the Applicants has strenuously urged that Vatsalabai Dhumal is still alive and not dead. He submitted that the Investigating Officer and the officers of the Satara Municipal Corporation are hand-in-glove with the informant. He submitted that the Applicant No.1 has a sale deed in his favour of the suit property executed in 2016. In so far the Applicant No.2 is concerned, he is stated to be a driver in the employment of the Applicant No.1.

6. Learned APP has pointed out that Vatsalabai Dhumal had died on 2 August 2010 as per the death certificate issued by the Satara Municipal Council on 14 September 2010. There was an attempt of alleged encroachment on the said plot at the instance of the Applicant No.1 which has led the informant to file the complaint. Learned APP pointed out that as per statement of the witnesses, Applicant No.2 was part of the incident which had taken place on 20 August 2021 and he is also seen in the video recorded on a mobile of the incident.

7. I have considered the circumstances and the submissions made.

8. *Prima facie*, it appears that the informant has a sale deed in respect of the said land of the year 2002. The Applicant No.1 claims to have purchased the said property from Vatsalabai Dhumal on 5 October 2016. There is a death certificate issued by

Municipal Corporation, Satara which is part of the investigation papers, which shows that Vatsalabai Dhumal has expired on 2 August 2010. The contention that the Investigating Officer as well as officers of the Municipal Corporation are hand-in-glove with the informant cannot *prima facie* be accepted. No case for grant of anticipatory bail is made out. The Criminal Application stands rejected. It is made clear that the observations made herein are only for the purpose of deciding the Application of pre-arrest bail and the learned Sessions Judge shall not be influenced by the same, while considering the Application for regular bail, if any.

(C.V. BHADANG, J.)