

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

**INTERIM APPLICATION NO. 1028 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO. 513 OF 2021**

Sanjeevan Ramchandra Jagdale ..Applicant/ Intervenor

V/s.

The State of Maharashtra and Ors. ..Respondents

Ms. Pravada Raut for the Applicant/Intervenor.

Mrs. M.R. Tidke, APP for the Respondent/State.

Mr. Kamran Shaikh for the Applicant in ABA No. 513 of 2021.

**CORAM : C.V. BHADANG, J.
RESERVED ON : 12 APRIL 2022
PRONOUNCED ON : 27 APRIL 2022**

(Through Video Conference)

P.C.

1. This is an application by the intervenor in ABA No. 513 of 2021. The applicant claims to be the owner of agricultural land from out of survey No. 63/2 of village Kharoshi, Taluka. Mahabaleshwar, District-Satara. The applicant /intervenor learnt that the accused persons in crime No. 107 of 2020 of PS Mahabaleshwar under Section 419, 464, 467, 468, 470, 420, 120-B read with Section 34 of IPC had executed a sale deed in respect of the said land in the name of the original applicants in the anticipatory bail by forging the signature and impersonating the applicants.

2. On the basis of the FIR, crime No. 107 of 2020 was registered. The applicants (original accused) in ABA No. 513 of 2021 sought anticipatory bail. This court by a detailed order dated 23.02.2021 had granted interim protection to the original accused after noting the principal contention on their behalf that they have also been victims in getting the sale deed executed. A contention was made on behalf of the accused in ABA that they will file a written statement of admission in Regular Civil Suit No. 26 of 2020, pending before the Civil Judge Junior Division at Mahabaleshwar, Satara. In that view of the matter the ABA No. 513 of 2021 was disposed of on 08.03.2022. Paragraphs 5 and 6 of the said order are relevant for the purpose and the same read thus:

“5. In that view of the matter, Criminal application is disposed of in terms of order dated 23.02.2021, which is hereby made absolute. This shall be subject to the condition that the Applicants file written statement on admission before the learned Civil Judge Junior Division within two weeks from today.

6. If the written statement is not filed within two weeks, this order shall stand vacated without reference to the Court.”

3. This application is filed by the original intervenor for the following relief:

“a) The statement made by the Respondent Nos. 2 to 5 (Ori. Applicants) that they shall file Written Statement in Civil Suit No. 26 of 2020 pending before Civil Judge Junior Division, Mahabaleshwar, stating that they would restore/transfer all the rights, title over land in dispute, in favour of the Applicant (Org. Intervenor) may be recorded and order dated

08.03.2022 may be suitably modified/amended as the Hon'ble Court thinks fit and proper."

4. I have heard the learned counsel for the parties. It is pointed out with reference to the copy of plaint in RCS No. 26 of 2020 that only a part of the land from out of survey No. 63/2 is subject matter of dispute. The copy of the written statement of the Defendant Nos. 2 to 4 shows that a written statement contesting the suit is filed on 17.03.2022.

5. Upon hearing the learned counsel for the parties, I do not find that the order dated 08.03.2022 needs to be or can be modified, inasmuch as the said order vide para 5 and 6 provides for the consequences of non-filing of the written statement as referred to in paragraph 5. In that view of the matter, the interim application is disposed of.

(C.V. BHADANG, J.)

ANDREZA PEREIRA Digitally signed by ANDREZA PEREIRA
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