

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.741 OF 2021**

Maruti Dhondiba Gurav ... Applicant
versus
The State of Maharashtra ... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION (ST) NO.2466 OF 2020**

Shrishail Tamanna Nagral ... Applicant
versus
State of Maharashtra ... Respondent

Mr. Chaitanya Kulkarni, for Applicant in ABA 741 of 2021.
Mr. Drupad Patil i/by Mr. Dheeraj D. Patil, for Applicant in ABAST 2466 of 2020.
Mr. P.H.Gaikwad, APP, for State.
Mr. Sachin Shetye with Mr. Amar D. Parsekar, for Intervener.

CORAM: N.J.JAMADAR, J.

DATE : 15th JUNE, 2022

P.C.

1. These Applications are preferred for pre-arrest bail in connection with C.R.No.292 of 2020 registered with Chandgad Police Station for the offences punishable under Sections 420, 464, 468, 471, 447, 427, 506 read with Section 34 of the Indian Penal Code, 1860.

2. Mr. Laxman Bhoju Tambalkar (the first informant) lodged a report at Chandgad Police Station on 14th July, 2020 with the allegations that in the month of April, 2020, the Applicant – Shrishail T. Nagral (in ABAST 2466 of 2020) and Mr. Angad Jadhav, the then Dy. Superintendent of Police, Gadhinglaj Division, came to

his field i.e. Survey No.692, situated at Sadegulwade, Tal. Chandgad, and threatened to evict himself from the said land.

3. The Applicant – Shrishail T. Nagral claimed that he has purchased the said land. The first informant claimed to have inquired into the claim of Mr. Shrishail T. Nagral and found that forged document was executed, to which the Applicant – Maruti Dhondiba Gurav (in ABA 741 of 2021) was a witness. A fraud was practiced by showing incorrect boundaries of the said land.

4. In Anticipatory Bail Application (ST) No.2466 of 2022, by an order dated 28th August, 2020 this Court was persuaded to grant ad-interim protection noting inter alia that the alleged dispossession of the first informant had occurred in the month of April, 2020 and report in respect of the said incident was lodged in the month of July, 2020 and the delay was not satisfactorily accounted for.

5. In Anticipatory Bail Application No.741 of 2021, this Court by an order dated 7th September, 2020 granted interim protection, noting a submission that the Applicant – Maruti Dhondiba Gurav was merely a witness to the document, which was alleged to be forged.

6. I have heard the learned Counsel for the Applicants, learned APP for the State and the learned Advocate for the Intervener – first informant.

7. The learned Advocate for the Applicant submitted that the Applicant - Shrishail T. Nagral has purchased the subject land under a registered sale deed. A

copy of the sale deed is placed on record. The claim of the first informant that the said sale deed is false and forged document, is not at all borne out by the material on record. The allegations of forgery and fraud are made to falsely rope in the Applicants so as to bring them to terms.

8. I have perused the copy of the sale deed dated 23rd March, 2016. Land admeasuring 1H, 47 R out of Survey No.692 appears to have conveyed thereunder, by Dhondiba Santosh Gawade. In this context, the allegations in the FIR are required to be considered. The substance of the accusation is that the Applicant and the co-accused initially got the said land transferred in the names of Dhondiba Govind Gawade and Mr. Santosh Govind Gawade from the original holders Mr. Dattatraya Narayan Gawade and others, under an instrument dated 20th January, 2016 and, later on, the subject land was shown to have been transferred by Mr. Dhondiba Govind Gawade and Mr. Santosh Govind Gawade to the Applicant – Shrishail T. Nagral. A copy of the 7/12 extract of the said land annexed to the sale deed reveals that the names of the vendors of the Applicant namely Dhondiba Govind Gawade and Mr. Santosh Govind Gawade were duly mutated to the said land by effecting mutation entry No.429. In fact, the first informant alleges that the initial transfer of the said land in favour of Mr. Dhondiba Govind Gawade and Mr. Santosh Govind Gawade, the vendors of the Applicant – Shrishail T. Nagral, was also tainted with fraud.

9. In the aforesaid nature of the accusation, the fate of the prosecution

hinges upon the documents and the genuineness or otherwise, of the instrument in question. The offences revolve around documents. In this backdrop, at this length of time, custodial interrogation of the Applicants does not seem warranted.

10. I am, therefore, persuaded to confirm the orders of interim pre-arrest bail. Hence, the following order :

ORDER

- (i) Both the Applications stand allowed.
- (ii) The interim order dated 28th August, 2020 in ABAST No.2466 of 2020 is made absolute on the same terms and conditions.
- (iii) The interim order dated 7th September, 2020 in ABA 741 of 2020 is made absolute on the same terms and conditions.
- (iv) The Applicants shall regularly attend the proceedings before the jurisdictional Court.

(N.J.JAMADAR, J.)