

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1383 of 2022**

Pandurang Manik Bhagat .. Applicant
Versus
State of Maharashtra .. Respondent
...

Mr. Abhishek Yende i/b. Ms. Pravada Raut for the applicant.
Mr. A. R. Patil, APP for the respondent State.

**CORAM: BHARATI DANGRE, J.
DATED : 24th MAY, 2022
(Vacation Court)**

P.C:-

1. The present C.R. came to be registered on the complaint filed by one Keshav Rama Bhagat, who is uncle of the present applicant Pandurang Bhagat and the accusation fetched by the applicant is to the effect that he submitted fraudulent affidavit before the Revenue Authority, claiming that the land situated at Khardi, Koshimbe, Taluka Vasai, District Palghar belonging to one Daji i.e., great grand father of the applicant stand in his name exclusively since his uncle Shivram Keni, is deceased and he is the only successor.

2. The affidavit placed on record by the learned APP is perused by me and it can be seen that the complainant has sworn affidavit to the effect that Shivram Daji Kini had no legal heirs

except the present applicant and therefore, his name should be recorded as legal heir. The affidavit filed on 28.09.2019 is the basis of the complaint in which the present applicant is arraigned as a accused by invoking sections 199, 200, 420, 467, 268, 471 read with 34 of IPC.

It is pertinent to note the said offence came to be registered on the complaint under section 156(3) and the Magistrate had issued process.

3. My attention is invited to the proceedings instituted before the Competent Officer cum Sub Division Officer in respect of the said parcel of land, which was acquired for the National Highway Project and in terms of the order passed by the Competent Authority, the compensation has been deposited in the Court in terms of provision under section 3(h) of the National Highway Act, 1956. Ten legal heirs have been brought on record which include the complainant Keshav Rama Bhagat. The case has been registered as Shri. Pandurang Bhagat V/s. Keshav Rama Bhagat, through his legal heir and Keshav Rama Bhagat i.e., complainant. The order passed by the Competent Officer record that the compensation payable to the said heirs for the land acquired has been deposited in the Civil Court.

4. The whole claim of the complainant that the applicant by filing a false affidavit tried to acquire the benefits of compensation, out of the parcel land belonging to his

predecessor therefore holds no water as no amount of compensation on acquiring the said land has been made over to the present applicant. The amount due and payable to all legal heirs has been secured by depositing the same under section 3(h) of the National Highway Act. Therefore, merely by filing of false affidavit, prima facie has not deprived the complainant of the benefits as being the legal heir who is held entitled for the compensation for the said piece of land, belong to his ancestor.

5. In the aforesaid circumstances, the custodial interrogation of the applicant is not necessary and if at all the affidavit is found to be forged one, the applicant can be prosecuted under section 199 of IPC, and the applicant deserves to be released on bail subject to the following conditions.

ORDER

(a) In the event of his arrest, the Applicant Pandurang Manik Bhagat, in connection of C.R.No.826 of 2021 registered with Virar police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(b) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(c) Applicant shall report to the Virar Police Station on

every Thursday between 10.00 a.m. to 2.00 p.m. for a period of four weeks and thereafter, as and when called for.

(d) The application is disposed off.

(SMT. BHARATI DANGRE, J.)