

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1723 OF 2022

Jayesh Haribansh Gupta .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Sujit Shelar with Mr.Kshitish Shukla and Mr.Mukesh Gupta
for the Applicant.

Ms.A.A.Takalkar, A.P.P. for the State/Respondent.

P.I. S.V. Hirdekar attached to Goregaon Police Station, present.

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CORAM: BHARATI DANGRE, J.

DATED : 21st JULY, 2022

P.C:-

1. The learned A.P.P. has produced the inquiry report from
the District Suburban Land Records dated 30/01/2020.

When the said report is carefully perused, it is reported
that the original land record in the office of the City Survey
Office, Goregaon was subjected to scanning in the City Survey
Office, Ghatkopar. When the inspection of the record in the
office of City Survey Office was conducted, it was revealed that

certain constructions are alleged to have been shown in the original plan, though there was no provision for reflection constructions. It was thus noticed that someone had shown the constructions in the original plan, though in the scanned documents, they are not reflected and, it was alleged that, it was done fraudulently.

The inquiry was directed to be conducted by the District Suburban Land Record, Mumbai Suburban.

2. The report, which is placed before me, refer to the statements of various persons working in the City Survey Office in various divisions and there is a specific denial by each one of them, stating that they have not been privy to the said act. The statements of City Survey Officer from the Goregaon office as well as of the peon are also recorded. Devidas Jadhav, who is made an accused, specifically stated that he had never handled the documents on his own, but only in presence of the Inspector of Land Record, he used to carry out his work. He deny that he is aware of any construction being shown in the original plan.

3. On carrying out the necessary inquiry, various persons, who were in-charge of providing the copies of the original map or those, who have verified the copies, received applications

and prepared the copies, are specifically named and it is recorded in the report that 8 persons were assigned the task of receiving the applications, preparing and supplying the copies of the necessary documents. The City Survey Officer in his report record that important documents in the office have been manipulated and the said act should be looked at, with all seriousness, since the credibility of the Government Office is at stake.

4. Despite such report being submitted, for the reasons best known to the Investigating Officer, he has only impleaded the peon, Devidas Jadhav as an accused. When the learned A.P.P. is specifically asked, why he has been arraigned as accused, the submission is, he was in contact with the co-accused and the CDR established so. The co-accused, who has acted as an agent, accepted money from the applicant for effecting necessary changes in the original record, which was not permissible to be reflected in the map and he has been arrested.

5. It is surprising that the Investigating Officer does not feel that all other persons, who are working in the said office in various capacities and handling the work of making copies and supplying them, may be responsible for such fraud, and

barring Devidas Jadhav, he has not arraigned anyone as accused. Despite the report being brought to his notice, the Investigating Officer, PI S.V. Hirdekar, who is present in the Court, states that he does not intend to implead any other persons, working in the said office as senior clerk, land supervisor etc., as accused, since according to him, their roles have not been surfaced in the crime.

6. The officer just made conscious of the fact that unless and until a person in-charge of the said record or who is authorized to handle the said record is a privy to the entire episode, the records cannot be manipulated. It is not an outsider like an agent or beneficiary, like the applicant, who has direct access to the land records. It necessarily has to be a person, handling the said record, who can be accused of effecting the changes. The aforesaid matter, therefore, has to be looked into with its seriousness.

7. In the above circumstances, the Additional Commissioner of Police, Goregaon Division shall look into the matter and ascertain whether the Investigating Officer is right in not impleading the persons mentioned in the inquiry report dated 30/01/2020, as accused in subject C.R.

8. As far as the present applicant is concerned, since the Investigating Officer makes a categorical statement that his custody is not required as he has attended to the police station and after recording his statement, the statement of the agent to whom he has given money for effecting necessary changes, is also recorded, the following order is passed.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.82 of 2020 registered with Goregaon Police Station, applicant-Jayesh Haribansh Gupta shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall report to the concerned police station as and when called for.
- (d) The 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.

9. The learned A.P.P. shall communicate the above order to the Additional Commissioner of Police, Goregaon Division.

(SMT. BHARATI DANGRE, J.)