

Uday S. Jagtap

(Corrected as per speaking to minutes order dated 06.09.2022)

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

ANTICIPATORY BAIL APPLICATION NO. 2091 OF 2022

Gouspak Abdulrazak Jamadar

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

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Ms. Tanvi G. Tapkire for the applicant

Mrs. P.N. Dabholkar, APP for the respondent – State

Ms. Rupali Gaikwad, WPSI, Sangli City Police Station present in
Court

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 2nd AUGUST, 2022.

P.C.

1. Heard.
2. Out of 9 accused, prosecution has already laid charge-sheet in respect of 5 accused. The applicant is accused no.8, who has been absconding ever since offence came to be registered.
3. Learned Counsel for the applicant made efforts to persuade me to protect the liberty of the applicant. However, her request cannot be conceded to for a simple reason that the applicant was involved in a similar offences of preparing false and fabricated sale deeds in CR No. 155/2016 and 162 of 2016 registered with Ichalkaranji Police Station. There is no doubt

that he has past criminal antecedent. He has been absconding ever since the offence came to be registered and has not been co-operating with the Investigating Agency. Looking to his conduct of non co-operation with the Investigating Officer, possibility of fleeing away from justice is quite possible. Offence is serious.

4. Having considered the larger public interest *vis-a-vis* his personal liberty, public interest is of paramount importance in such cases.
5. It would be apposite to extract the observations made by the Additional Sessions Judge in paragraph nos. 5 and 6 when his application came to be rejected on 10th June, 2022. Para 5 and 6 read thus :-

“5. Ld.A.PP for the State objected for grant of bail on the ground that applicant Gouspak @ Munna Jamadar was absconding since commission of the offence. Applicant alongwith co-accused have prepared false, bogus and fabricated Aadhar Card and PAN card of informant Nivrutti Sitaram Harugade. Fabricated Adhar card has been seized from co-accused whereas PAN card is yet not recovered. Investigation is in progress, in respect of the present applicant, it is necessary to interrogate with the applicant about involvement of any other persons in preparing false, bogus and fabricated Aadhar and PAN card and the place where it was prepared and at whose instance, needs to be investigated thoroughly. During investigation it was transpired that he was accompanied with the

accused when stamp duty of Rs.1,68,000/- which deposited in Sub Registrar's office, it is necessary to investigate source of said amount of Rs.1,68,000/-. The offence is serious one. Applicant has involved in similar kinds of offence of preparing false and fabricated sale deed vide C.R. No. 155/2016 and 162/2016 registered with Ichalkaranji police station. Applicant has past criminal antecedent. For the purpose of thorough investigation his custodial interrogation is necessary and, therefore, prosecution prayed for rejection of application.

6. Admittedly, charge-sheet is not filed against the present applicant. Allegations of preparing forged and fabricated Aadhar card and PAN card of informant which used for execution of sale deed alongwith co-accused by applicant is serious one. Investigation is not completed in respect of present applicant. Aadhar card has been seized from co-accused. PAN card which prepared by applicant alongwith absconding accused Sachin Mahadev Koli and Dhananjay Jadhav is yet not recovered. It is further applicant was accompany with co-accused when they deposited stamp duty of Rs.1,68,000/- with office of Sub Registrar. Applicant was having knowledge from which source they deposited stamp duty. He is also aware where and at the instance of whom false and fabricated PAN card of informant was prepared. He is also aware whether any other person's involvement is there. No doubt, document is not registered before Sub Registrar's office. However, documents i.e. Aadhar card, PAN

card etc. annexed with the sale deed are forged and fabricated one. For that purpose investigation is required to be done thoroughly. In the light of allegations against applicant his custodial interrogation is necessary. It is to be noted that applicant is involved in similar kinds of offence Viz. C.R. No. 155/2016 registered with Ichalkaranji police station, in which the present applicant alongwith other accused have executed sale deed on the basis of forged and fabricated document. Applicant has past antecedent. In such set of facts this is not fit case for grant of anticipatory bail in favour of applicant. Accordingly, following order is passed.

Order

(a) Criminal Bail Application No.275 of 2022 is hereby rejected.

(b) Inform concerned police station accordingly.”

6. Learned APP has invited my attention to the Statements, especially to the statement of Hemant Vishnu Khandagale, which clearly demonstrates complicity of the applicant in the alleged offences. Looking to the *modus operandi* of the applicant and also in light of his antecedents, custodial interrogation is essential in order to unearth the entire conspiracy. The applicant, therefore, does not deserve any interim protection.
7. Upon being asked to the learned Counsel for the applicant as to whether the application needs to be heard finally, she submits for passing necessary orders.

8. Having considered the over all facts and circumstances of the case, there is absolutely no substance in the application and hence it stands rejected.

(PRITHVIRAJ K. CHAVAN, J.)