

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

ANTICIPATORY BAIL APPLICATION NO. 2362 OF 2022

Khatib Nazir Nawaboddin	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Vishal Kolekar a/w. Kishan Chaudhari for the Applicant.
Mr. Y.Y. Dabke, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th AUGUST, 2022.

P. C. :-

. This is an Application under section 438 of Cr.P.C. for pre-arrest bail in C.R.No.293/2021 registered with Lonawala Gramin Police Station, Dist. Pune Rural for offences punishable under sections 420, 467, 468, 469, 471 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant, learned APP for the State and the learned counsel for the Intervenor. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by Sanjay Bhavarlal Jain. The FIR

prima facie reveals that the complainant is the owner of Gat No.67 plot nos.9 and 10 at Village Malavali, Tal. Maval, Dist. Pune. The complainant had alleged that he was in possession of the said land and that his name was recorded in the 7/12 extracts in respect of the said property. He claims that he had not visited the property during Covid-19 pandemic. Some time in the month of July, 2021 when he checked the 7/12 extract, he realized that his name was deleted from plot no.9 and survey no.67 and instead, the name of Govind Sasane was recorded. Similarly, his name was also deleted from plot no.10 and the names of Govind Sasane and Shaikh Abdul Hakim Jalil were recorded in 7/12 extracts. When he verified the records, he found that one sale deed dated 26/12/2019 was registered on 18/03/2021 by impersonating him and his mother on the basis of forged and fabricated aadhar card and pan card. He learnt that the said sale deed was prepared by one advocate Shinde from Bhangarwadi, Lonawala. The said sale deed was signed by the present Applicants as witnesses. He therefore lodged the FIR pursuant to which the aforesaid crime came to be registered.

4. The records prima facie indicate that the sale deed has been executed in favour of Shaikh Abdul Hakim Jalil and Govind Sasane by

impersonation. Learned APP has placed on record report which indicates that these purchasers have indulged in similar crimes wherein he has got the sale deeds executed by impersonation and even in those sale deeds, the present Applicant is the identifying witness. These facts prima facie indicate close nexus between the Applicant and the purchasers (co-accused).

5. The records prima facie indicate that both these Applicants have signed the sale deeds as witnesses and have identified the persons who had falsely impersonated the complainant and his mother. The prosecution till date, has not been able to ascertain the identity of the said persons who had impersonated the complainant and his mother. Hence, presence of the Applicant is necessary to ascertain the identity of the said persons and for further investigation.

6. Under the circumstances, this is not a fit case for grant of pre-arrest bail. Hence, the Application is dismissed.

PREETI
H JAYANI

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PREETI H JAYANI
Date: 2022.09.06
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(SMT. ANUJA PRABHUDESSAI, J.)