

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

CRI. ANTICIPATORY BAIL APPLICATION NO. 2559 OF 2021

Tanaji Dashrath Belerao (Koli) ..Applicant
Vs.
The State of Maharashtra ..Respondent

**WITH
CRI. ANTICIPATORY BAIL APPLICATION NO. 2584 OF 2021**

Sunil Kerba Belbhandare ..Applicant
Vs.
The State of Maharashtra ..Respondent

**WITH
CRI. ANTICIPATORY BAIL APPLICATION NO. 2560 OF 2021**

Sarubai Shivaji Belerao (Koli) & Ors. ..Applicants
Vs.
The State of Maharashtra ..Respondent

**WITH
CRI. ANTICIPATORY BAIL APPLICATION NO. 2561 OF 2021**

Rukmini Rajaram Pandhare & Ors. ..Applicants
Vs.
The State of Maharashtra ..Respondent

**WITH
CRI. ANTICIPATORY BAIL APPLICATION NO. 2716 OF 2021**

Siddheshwar Harivijay Nakate ..Applicant
Vs.
The State of Maharashtra ..Respondent

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Mr. Dhananjay K. Chavan, for the Applicants in ABA No.2559/2021, 2560/2021, 2561/2021 and 2716/2021.

Mr. Ritesh Thobde a/w. Mr. Sagar Tambe, for the Applicant in ABA No.2584/2021.

Ms. M. R. Tidke, APP for the Respondent / State.

Mr. P. G. Chavan, for the Intervener in all applications.

CORAM : C.V. BHADANG, J.

DATE : 23 FEBRUARY 2022

P.C.

. All these Applications, seeking anticipatory bail, arise out of Crime No.851/2021 of Police Station Mohol, District Solapur (Rural), under Section 420, 465, 468 and 471 of IPC. The aforesaid crime is registered on the basis of the complaint lodged by Devidas Manohar Belerao on 18 September 2021.

2. A perusal of the FIR shows that there is a land Gat No.391 admeasuring 5H 46R at Village Dhok-Babhulgaon which is a *Gairan land*. Indisputedly, the said land was allotted by the Government to now deceased Apruka Laxman Belerao for a period of one year, who happens to be the grandmother of the first informant. The material allegation of the first informant is that his cousin brothers and other members of the Belerao family had prepared false and forged documents and mutation entry No.5107 was recorded on 23 July 2021 which is in contravention of a mutation entry No.2763 dated 6 January 2003 by which the name

of the first informant is recorded in the record of the rights of the said land. The officers of the Gram Panchayat as well as the Revenue Officers including Talathi and the Circle Officer have been arrayed as an Accused. The present Applicants are the Talathi, the Circle Officer and the members of the Belerao Family.

3. I have heard the learned counsel for the parties. Perused record.

4. It transpires during the course of hearing that the mutation entry No.5107 dated 23 July 2021 by which the first informant is aggrieved was challenged before the Sub Divisional Officer and the said entry has been cancelled. It is further undisputed that the said order is subject matter of challenge at the instance of the Applicants from Belerao family, before the Collector and that Appeal is pending.

5. The learned counsel for the Intervener submitted that being the *Gairan land*, it is owned by the Government and it is allotted for cultivation on a year to year basis and in the year 2003, there is a mutation entry by which the land is shown to be allotted to the father of the first informant that is to Manohar Laxman Belerao.

6. Upon hearing the learned counsel for the parties, it appears that the dispute is predominantly of a civil nature and the mutation

entry No.5107 has already been cancelled by the Sub Divisional Officer which order is subject matter of an Appeal before the Collector. The Applicants are protected by an interim order in all these Applications. It is not disputed that in pursuance of the said order, the Applicants have reported to the Investigating Officer and have cooperated with the Investigating Agency.

7. In that view of the matter, the following order is passed.

ORDER

- (i) The Criminal Applications are allowed.
- (ii) In the event of their arrest, in connection with investigation of Crime No.851/2021 of Police Station Mohol, District Solapur (Rural), the Applicant Tanaji Dashrath Belerao (Koli) (ABA No.2559/2021), Applicant Sunil Kerba Belbhandare (ABA No.2584/2021), Applicant No.1 Sarubai Shivaji Belerao (Koli), Applicant No.2 Rukmini Satish Mane, Applicant No.3 Janabai Gangaram Belerao (Koli) and Applicant No.4 Sangita Shivaji Survase (ABA No.2560/2021), Applicant No.1 Rukmini Rajaram Pandhare, Applicant No.2 Milind Krushnaji Tambile and Applicant No.3 Rajendra Jalinder Kumbhar (ABA No.2561/2021) and Applicant Siddheshwar Harivijay Nakate (ABA No.2716/2021), be released on bail on

executing a P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.

(ii) The Applicants shall report to the Investigating Officer as and when required and shall cooperate with the Investigating Agency.

(iii) The Criminal Applications are disposed of, in the aforesaid terms.

C.V. BHADANG, J.

This order is corrected as per speaking to the minutes of the order dated 16/3/2022.