

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

CRI. ANTICIPATORY BAIL APPLICATION NO. 2646 OF 2021

Ankush Jijaba Marne & Anr. ..Applicants
Vs.
The State of Maharashtra ..Respondent

**WITH
INTERIM APPLICATION NO. 3427 OF 2021
IN
CRI. ANTICIPATORY BAIL APPLICATION NO. 2646 OF 2021**

Balaji Ramchandra Marne ..Applicant/Intervener

IN THE MATTER BETWEEN

Ankush Jijaba Marne & Anr. ..Applicants
Vs.
The State of Maharashtra ..Respondent

**WITH
CRI. ANTICIPATORY BAIL APPLICATION NO. 2521 OF 2021**

Tukaram alias Aaba Dinkar Marne ..Applicant
Vs.
The State of Maharashtra ..Respondent

Mr. Shailesh S. Kharat, for the Applicant in ABA No.2646/2021.
Mr. R. M. Pethe, APP for the Respondent / State.
Mr. Sujay H. Gangal, for the Intervener.
Mr. Niranjana Mundargi a/w Mr. B. R. Retawade i/b. Mr. Chetan R. Nagare, for the Applicant in ABA No.2521/2021.
PSI S. R. Jadhav, Paud Police Station, Pune.

CORAM : C.V. BHADANG, J.
DATE : 17 FEBRUARY 2022

P.C.

. These Applications for anticipatory bail, arise out of Crime No.106/2021 of Police Station Paud, Pune (Rural), under Section 420, 465, 467, 468, 470 and 471 r/w. 34 of IPC.

2. The aforesaid offence is registered on the basis of the complaint lodged by Bandu Marne on 22 April 2021. According to the prosecution, the Accused Ankush Marne, Ajay Marne, Anil Marne and Ramdas Daphal (Accused Nos.1 to 4) had conspired and had sold 1 Hectar 60 R from out of field GAT No.673 standing in the name of one Dattatray Narayan Abhyankar. It is the specific case that Accused No.4 Ramdas Daphal impersonated himself as Pranav S/o. Dattatray Abhyankar and executed the sale deed bearing No.15592/2020 and thereby has cheated the Complainant. It was disclosed during the course of investigation that forged death certificate of Dattatray Abhyankar and his wife was produced before the Talathi. There is an Application (at page 106) of the compilation which is purportedly signed by the Accused No.4 Ramdas Daphal impersonating himself as Pranav Dattatray Abhyankar. That Application is made to the *Gaokamgar Talathi* for mutation. Accused Tukaram Dinkar Marne and Bandu Dhondiba Marne have signed as witnesses on the said Application making a

declaration that the deceased Dattatray Narayan Abhyankar has no other LR's. On such a complaint being lodged, the offence is registered, which is under investigation.

3. In this case, Accused Nos.2 and 3 i.e. Ajay Marne and Anil Marne have been arrested. In the investigation, it was also disclosed that Accused No.3 had registered the sale deed in the name of his wife Sau. Ashwini Anil Marne.

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

5. It is submitted by the learned counsel for the Applicants that the Applicants have no role in the offence and custodial interrogation of the Applicants is not necessary.

6. Learned APP has submitted that there is sufficient material collected during the course of investigation and in order to unearth the conspiracy of forging the documents, custodial interrogation of the Applicants is necessary.

7. I have carefully considered the circumstances and the submissions made. The prosecution case is that the Applicants had conspired and had effected the transaction in respect of the land belonging to Dattatray Narayan Abhyankar in which Accused No.4

Ramdas Daphal had impersonated himself as Pranav, the son of Dattatray Abhyankar. The record *prima facie* indicates the involvement of the Applicants in the crime and for proper investigation of the entire matter, the custodial interrogation of the Applicants is necessary.

8. The Supreme Court in the case of *State (CBI) Vs. Anil Sharma*¹ has held that custodial interrogation is qualitatively more elicitation oriented than the interrogation when the Accused is armed with an order of anticipatory bail.

9. At this stage, the proper investigation of the matter is of paramount consideration. No case for grant of anticipatory bail is made out. The Criminal Applications are rejected. The Interim Application No.3427/2021 for intervention stands disposed of.

10. At this stage, the learned counsel for the Applicants request for extension of the interim relief for a period of three weeks in order to enable them to consider further course of action.

11. The interim protection shall continue to operate for a period of three weeks.

C.V. BHADANG, J.

¹ (1997) 7 SCC 187