

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2965 OF 2022

Shri. Baban Laxman Phatak and Anr. ...Applicants
V/s.
The State of Maharashtra ...Respondent

Mr. Rajiv Patil, Senior Advocate a/w Mr. Surabh Raut, for the Applicants.

Mr. Amit Palkar, APP, for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 15.12.2022.

PC. :

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicants are apprehending their arrest in Crime No. 256 of 2022 registered at Hinjewadi Police Station, Pimpri Chinchwad for the offences punishable under Sections 109, 120(B), 420, 467, 468, 471 read with 34 of the Indian Penal Code.

3. The complainant owns ancestral agricultural land bearing Gat Nos. 162 and 163 at Village Bhushi, Taluka Maval, District Pune. The applicants herein had filed an application under Section 70(B) of the Bombay Tenancy and Agricultural Lands Act to declare them as tenants of the said lands. By order dated 19 March 2021, the Tenancy

Tribunal had allowed the said application. According to the complainant, during the relevant period, she was not in India. No notice of the said application was ever sent at her residential address in Mumbai. It is alleged that applicants were never tenant in the land owned by her. It is further alleged that co-accused in the present crime forged her signature for filing proceedings before the sub-divisional officer, to grab the land owned by her.

4. I have heard the learned senior counsel for the applicants and the learned APP for the respondent/State.

5. The allegation of forgery are not against the present applicants. I have perused the order of Tenancy Tribunal dated 19 March 2021. The Tribunal has held that the father of applicant Nos.1 and 2 was tenant of the lands in question on tiller's days. The complainant can very well avail the remedies available to her against the said order. Even otherwise there appears to be no need of custodial interrogation of the present applicants. I am therefore inclined to release the applicants on anticipatory bail. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] In the event of arrest of applicants in C.R. No. 256 of 2022 registered at Hinjewadi Police Station, Pimpri Chinchwad

for the offences punishable under Sections 109, 120(B), 420, 467, 468, 471 read with 34 of the Indian Penal Code, they shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount.

- C] The applicants shall attend the concerned Police Station as and when called and shall co-operate in the investigation.

[N.R.BORKAR, J.]