

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.58 OF 2022

(PRAVIN VASANTRAO GHONGADE...VS.. STATE OF MAH. THR. PSO PS NANDGAON PETH,
AMRAVATI)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.V.Amale, Advocate for Applicant.
Shri M.J.Khan, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : FEBRUARY 14, 2022.

1. This is an application for grant of anticipatory bail in Crime No.483 of 2021, registered with Police Station, Nandgaon Peth, Amravati on the complaint lodged by Amit Champakrao Walke against the applicant for the offences punishable under Sections 420 and 468 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that the applicant, with two other accused persons Sandeep Tayade and Tulshiram Jadhav, prepared a forged Form 8-A relating to Plot No.284 situated at Alangaon Rehabilitation Area which belongs to the Government and thereby he misrepresented the complainant that the said plot belongs to the applicant and extracted Rs.10,62,000/- from him in cash and through cheques on the premise of executing Sale Deed of the said plots in complainant's favour.

3. Heard learned counsel for the applicant and the learned A.P.P. for the non-applicant/ State.

4. The learned counsel for the applicant submits that though there are allegations in the complaint that the complainant has paid Rs.10 Lakhs and odd to the applicant. However, there is no written document or any other evidence to show that the applicant has received Rs.10 Lakhs and odd from the complainant.

5. It is submitted that there is a delay in lodging the complaint and no explanation has been offered by the complainant about such delay.

6. The learned counsel for the applicant submits that he has been falsely implicated in the alleged offence whereas he is noway concerned with the alleged offence.

7. Shri Amle, learned counsel for the applicant lastly argues that there is nothing to show that the applicant has forged or tampered the Government record in respect of Plot No.17 of Alangaon Rehabilitation Area.

8. On the other hand, Shri Khan, learned A.P.P. strongly opposed the application. He has made available the case diary for perusal, where-from he has pointed out that the sufficient evidence has been collected by the

Investigating Officer to point out that the forgery has been committed by the applicant and two other accused persons. He, therefore, submits that as the offence is serious and the forgery has been committed in respect of the Government record, custody of the applicant is necessary for further investigation and to unearth the similar type of offences if any committed by the applicant or the persons involved in such offence of tampering the Government record.

9. He has further pointed out that the applicant and other co-accused have prepared seal in the name of Village Panchayat which they have used in the alleged offence. By arguing so, the learned A.P.P. prays for dismissal of the application.

10. I have perused the police diary and also gone through the contents of the F.I.R.

11. The record shows that in Form No.8 of the year 2019-2020 to 2022-2023 of the revenue record relating to Plot No.17 of Alangaon Rehabilitation Area, name of the applicant is mentioned as owner of the aforesaid land. In another document i.e. Form No.8 of the year 2019-2020 to 2022-2023 it is shown that the said plot i.e. Plot No.17 is owned by the complainant.

12. *Prima-facie*, I am of the opinion that as the name of the applicant is mentioned as owner of the land Survey No.17 of Alangaon Rehabilitation Area, which is the land admittedly owned by the Government, there is sufficient material available on record to show the involvement of the applicant in the alleged offence. Moreover, there are statements of the witnesses which supports the allegation of forgery.

13. The alleged act of forgery of Government record and using seal of Village Panchayat for tampering the record is a serious offence. In this matter custodial interrogation is sought for by the police to unearth the similar offences. In that view of the matter, I am of the opinion that this is not a fit case to grant bail in the event of arrest of the applicant. Accordingly, I pass the following order:

The application is **rejected**.

JUDGE