

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1683 OF 2022

**AMIT SANTOSH FIRODIYA AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Mr. V. D. Sapkal, Sr. Advocate i/b Mr. A. M. Gholap, Advocate for
Applicants
Mrs. R. P. Gour, APP for Respondents – State
Mr. G. A. Gadhe, Advocate for Informant
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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 19th JANUARY, 2023

PER COURT :

1. Applicants apprehend arrest in Crime No.995/2022, registered with Newasa Police Station, Ahmednagar, for offences punishable under Sections 447, 143, 147, 149, 323, 504, 506, 420, 465, 468 and 471 of the Indian Penal Code.
2. FIR is lodged by Dnyaneshwar Vasant Ghule alleging that his grandfather Eknath Ghule had agriculture land. It was acquired for Jayakwadi Dam. Therefore, being project affected person, on 30/03/1987 his grandfather got 81 R land in Gut No.73 at Mukindpur in rehabilitation. Since then they are possessors of the said agricultural land. It is alleged that on 14/09/2022, he received information that some persons along with JCB entered in his land and were cleaning it. Therefore, his cousin Satyashil Ghule and colleague Sachin Talwar went there. They saw accused Muzaffar

Raju Shaikh, Pravin Santosh Salve and other 4 to 5 persons with JCB No. MH-17-AE-2178, illegally cleaning land of the informant. On their asking, accused persons manhandled them. Accused Pravin Salve and Muzaffar Sahikh threatened and abused them and showed town planning map saying that it is their land and tried to remove them. On inquiry informant noticed that bogus document map was prepared and during pendency of civil suit Tukaram Kale sold his 35R land to Muzaffar Raju Shaikh and Pravin Salve. Therefore, applicants in collusion with other co-accused had purchased the land Gut No.73, admeasuring 35R, originally owned by Tukaram Ganpat Kale, by preparing forged documents and by joining hands with the Sub Divisional Office employees and officers and false boundaries are prepared of the said Gut number, and thereby the accused have committed offence.

3. Heard learned senior advocate for applicants, learned advocate for informant and learned Additional Public Prosecutor for State. Perused the investigation papers.

4. Only role attributed to applicants in the FIR is that applicants entered into registered agreement of sale with co-accused Pravin Salve and Muzaffar Raju Shaikh, who had purchased the land in question from Tukaram Kale, by registered sale deed dated 09/03/2021. The agreement of sale executed in favour of applicants by Pravin Salve and Muzaffar Raju Shaikh is

dated 20/09/2021.

5. It is alleged by the prosecution that applicants have provided finance to other accused persons to prepare forged documents. *Prima facie*, it is not possible to accept the said allegation in as much as, the applicants have entered into registered agreement of sale of the land belonging to accused Pravin Salve and Muzaffar Raju Shaikh.

6. Prosecution case is based on the documents which are allegedly forged by co-accused persons. Investigating officer has already seized the forged documents. Applicants were granted interim protection and they have cooperated in the investigation. Nothing is to be recovered from applicants. Pre-trial custody of applicants is, therefore, not necessary in the facts of the present case.

7. In the result, application is allowed by confirming interim order dated 12/12/2022. Till filing of charge-sheet, applicants shall attend concerned police station as and when called by investigating officer and shall cooperate in the investigation. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)