

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

**ANTICIPATORY BAIL APPLICATION NO.1742 OF 2022**

1. Bhimrao Shankar Borse
  2. Bhagwan Shankar Borse
- ... APPLICANTS

VERSUS

1. The State of Maharashtra  
Through Police Inspector  
Dhule City Police Station, Dhule
  2. The Superintendent of Police  
Dhule, Dist. Dhule
  3. Jijabai Ramesh Dhivre
- ... RESPONDENTS

Mr. N. L. Choudhari, Advocate for the applicants  
Mr. S. N. Morampalle, APP for the respondents/State  
Mr. Amit Sawale, Advocate for respondent No.3.

**CORAM : R. M. JOSHI, J.**  
**DATE : 14<sup>th</sup> JULY, 2023**

**P.C. :-**

1. At the outset it needs to be recorded that yesterday i.e. on 13<sup>th</sup> July, 2023 this Court has shown its disqualification to grant relief to the applicant, learned counsel for the applicants took time to seek instructions regarding withdrawal of the application. Today he states that he has no instructions for withdrawal and order is invited.

2. Applicants apprehend arrest in connection with Crime No.

722/2022 registered with Dhule City Police Station, Tal. And Dist. Dhule for the offences punishable under Sections 420, 465, 468, 467, 471, 120B of IPC.

3. The informant Jijabai Dhivre reported to the police that she has share in the ancestral property being gut No. 175/1 admeasuring 3 H 42 R at Borsule, District Dhule. When she approached to the Revenue Authorities for obtaining the 7 x 12 extract it was found that her name was removed there from on the basis of relinquishment deed No. 2140/2020. She therefore obtained true copy of the said document which disclosed that someone impersonated for her for the purpose of registration of the said document. It is alleged that present applicants and others in collusion with each other obtained the said bogus documents by impersonation.

4. Learned counsel for the applicants states that applicants are close relatives of the informant and that there is partition deed executed between the applicants and other co-sharers except for the informant wherein whatever properly fell to share of the informant is given to her. It is contended that since the documents concerned are already seized by the police, it is not a fit case for seeking custody of the applicants

5. Learned APP and learned counsel for the informant opposed the said application by contending that there is *prima facie* evidence on record to show that the present informant did not give her thumb impression on the document in question and the photograph of the lady who had impersonated herself the present informant can be easily distinguished from the photograph of the present applicant herein. It is further contended that it is serious crime and for the purpose of ascertaining as to how the said document came to be executed by the applicants and others their custodial interrogation is necessary.

6. Perusal of the investigation papers clearly indicates that the photograph which appeared on the relinquish deed belongs to the informant. There is explanation to that extend stating that her photograph was misused. The photograph appearing on the registered documents on the face of it clearly shows that someone else was present than the informant at the time of registration of the said document. Needless to say that it would be necessary for the investigation agency to find out as to a manner in which the said fabrication and impersonation is done. It is also necessary that the custodial interrogation of the applicants is essential to ascertain as to whose thumb impressions appeared on the documents of relinquish deed as well as the document of registration of the said deed by presenting it to

the office of Sub-Registrar. Merely because the applicant and the co-sharers executed partition deed will not absolve the present applicants from crime in question. There is overwhelming evidence to show involvement of applicants in this crime. Needless to say that the crime is serious in nature and hence as the custodial interrogation of the applicants is necessary to ascertain the aforesaid said facts. Applicants are not entitled for anticipatory bail. Hence application stands rejected.

**(R. M. JOSHI, J.)**

ssp