

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1799 OF 2022

1. Sau. Vaishali W/o. Dineshsing Rajput
 2. Miss. Dhanshri D/o. Dineshsingh Rajput Applicants

Versus

The State of Maharashtra
 and another Respondents

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Mr. Prakashsing Patil, Advocate for the Applicants
 Mr. A.A. Jagatkar, APP for Respondents – State
 Mr. Vijay B. Patil, Advocate for the informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 20th FEBRUARY, 2023

ORDER :

1. The applicants apprehend their arrest in connection with Crime No.0681 of 2022 registered with Dhule City Police Station, District Dhule for offences punishable under sections 465, 467, 468, 471, 120-B of the Indian Penal Code.

2. FIR is lodged by Vijaysingh Ratansingh Rajput alleging that he is the owner of Plot No.19 in Gut Survey No.20/2, i.e. City Survey Property No. 10171 admeasuring 612.5 Sq. Mtrs. He had entered into an agreement to sell of the said plot with Alka Chaudhary. Alka Chaudhary refused to execute the sale deed, and therefore, Civil Suit No. 58 of 2008 was filed, which was decreed in the year 2015 in favour of

informant. In Regular Civil Appeal No. 111 of 2015, one Krushna Dagdu Bhavsar used to appear on behalf of Alka Chaudhary. During the course of hearing of Regular Civil Appeal No.111 of 2015, Vimalbai Rajput and her son Dinesh Rajput filed application seeking their impleadment in the appeal. The same was rejected on 17/03/2020. Thereafter, Vimalbai Rajput and Dinesh Rajput in spite of knowing the litigation going on in the Civil Court, filed proceedings before the Land Record Office, and entered her name in property card to the Eastern portion admeasuring 353 Sq. Mtrs. Area of the said plot on 04/08/2020. Thereafter, Vimalbai sold the said plot to the present applicants. Applicant No.1 is her daughter-in-law and applicant No.2 is granddaughter. Names of applicants were entered to the said plot on 04/01/2021. The Co-operative Court, Jalgaon, in Arbitration Proceedings No. 42 of 1014 decided on 19/08/2018, held that Alka Chaudhary was in possession of the said plot. In spite of this order, Vimalbai Rajput and Dinesh Rajput in collusion with land survey officers, entered their names to the property card to take Western portion of the said plot admeasuring 353 Sq. On 13/12/2021, the District Court decided the appeal in favour of the informant, and rejected the appeal of Alka Chaudhary. In the said order, the right of Alka Chaudhary on the said plot is

acknowledged. Accordingly, by special mutation entry No. 12446, name of Alka Chaudhary was entered in respect of entire plot No.19 on 23/12/2021. With a view that the informant should not get the said property, the accused persons named in FIR conspired together with the help of land record officers and without following prescribed procedure took mutation entry No. 12446 on 11/02/2022, and renewed the names of Vvimalbai Rajput, Dinesh Rajput and the present applicants to the said plot. Thereafter, on 20/12/2021, the plot was sold to Purnima Sitram Wankhede and her name is entered to the property card on 23/03/2022. Hence, the accused persons are committed the offence.

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

4. The allegations in the FIR pertains to manipulation and fabrication of documents. The relevant documents and revenue record from the office of Land Survey office and Land Records are seized by the Investigating Officer.

5. *Prima facie*, it appears that the allegations are against Vimalbai Rajput and Dinesh Rajput. Vimalbai expired

on 09/02/2022. The husband of applicant No.1, and father of applicant No.2 namely Dinesh Rajput is arrested and was remanded to police custody. He is subsequently released on bail. Accused No.6 Ashfaque Ibrahim Sikalkar and accused No.9 Krushna Dagdu Bhavsar are also arrested, and they are subsequently released on bail.

6. Learned Additional Public Prosecutor while opposing the application has submitted that the original sale deed executed by the applicants, Vimalbail Rajput and Dinesh Rajput in favour of Purnima Sitaram Wankhede, and amount of transaction has to be recovered. He further submits that custody of the applicants is necessary for obtaining their specimen handwriting and signatures.

7. It is obvious that the original sale deed of the alleged transaction would be with accused No.1 Purnima Sitaram Wankhed. Learned advocate for the applicant, on instructions, states that the applicants shall apply for certified copy of the sale deed, and on receipt of the same, it will be produced before the Investigating Officer. He also submits that the applicants are ready to give their specimen handwriting and signatures.

8. The applicants were granted interim protection and they have co-operated in the investigation. For the present, the applicants cannot be denied bail for recovery of amount of sale transaction. Since the applicants have undertaken to produce certified copy of sale deed, and they were willing to give their specimen handwriting and signatures, the application deserves to be allowed.

9. In the result, the application is allowed. In the event of arrest of applicants in connection with Crime No.0681 of 2022 registered with Dhule City Police Station, District Dhule for offences punishable under sections 465, 467, 468, 471, 120-B of the Indian Penal Code, the applicants shall be released on bail on executing Personal Bond of Rs.15,000/- each with one surety in the like amount.

7. The applicants shall attend the concerned police station everyday from 22nd February, 2023 to 24th February, 2023, between 10.00 a.m. and 12.00, noon and shall co-operate in the investigation, and thereafter for production of certified copy.

[NITIN B. SURYAWANSHI]
JUDGE