

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1167 OF 2023**

Ahamd Chaganbhai Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

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Ms Rui Danawala i/b Mr. Umesh Mankapure for the Applicant.

Ms Rutuja Ambekar, APP for the State.

Mr. Anil B. Jadhav, API, Islampur Police Station, Sangli.

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CORAM : N.R. BORKAR, J.

DATED : 20 APRIL 2023

P.C. :-

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

2. The applicant is apprehending his arrest in Crime No. 83 of 2023 registered at Islampur Police Station, Sangli for the offences punishable under Sections 420, 465, 467, 468, 470, 471 r/w 34 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. The complainant is the owner of the land bearing Gat No. 111/1-A at Islampur, District Sangli. The allegations against the present applicant are that he got prepared the forged Aadhaar Card of the complainant. At his instance, one unknown person impersonated as the complainant and executed the sale-deeds of land owned by the complainant in favour of co-accused Gautam Mane and Dilip Chavan. It is alleged that the said co-

accused Gautam Mane and Dilip Chavan had thereafter sold the land to Jishan Shaikh, Ashok Waghmare and Rajkumar Pachange.

5. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that the applicant is neither impersonator nor the beneficiary and he is only the witness on the sale-deeds in relation to which allegations of impersonation are made. It is submitted that there is no need of custodial interrogation. It is submitted that the applicant may, therefore, be released on anticipatory bail.

6. I have perused the papers of investigation. During the course of the investigation, the Investigating Officer has recorded the statement of subsequent purchasers Ashok Waghmare and Jishan Shaikh. According to Jishan Shaikh, he had paid Rs. 4,00,000/- to the present applicant towards sale consideration. Similar is the statement of Ashok Waghmare. According to him, he had paid Rs. 7,15,000/- to the present applicant towards sale consideration. It is not the case of the applicant that he is bonafide purchaser of the land in question. Then, there was no reason for him to receive sale consideration from Jishan Shaikh and Ashok Waghmare.

7. The involvement of the applicant in alleged crime is apparent from the statement of Ashok Waghmare and Jishan Shaikh. Considering the overall facts and circumstances of the case, I am not inclined to release the applicant on anticipatory bail. The Application is rejected.

(N.R. BORKAR, J.)