

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 589 OF 2023

Krushnat Mahadev Aarde & ors. ...Applicants
Versus
The State of Maharashtra ...Respondent

Mr. Kuldeep Patil, a/w Rohin Chavan, i/b Adesh Konde
Deshmukh, for the Applicants.
Mrs. Ashwini Takalkar, APP for the State.
Mr. Chavan, PSI, Alankar Police Station, Pune.

CORAM: N. J. JAMADAR, J.
DATED: 21st AUGUST, 2023

Order:-

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with CR No.124 of 2022, registered with Alankar Police Station, Pune, for the offences punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code") and Section 82 of the Indian Registration Act, 1908.
3. The applicants were the owners of the land bearing Survey No.525/3, new Survey No.86/03 situated at Urali Devachi, Mauje Handewadi, Taluka Khed, District Pune. The

applicants subdivided the said land into plots and sold the same to purchasers under 10 registered Sale Deeds.

4. The Sub-Registrar, Haveli 21 lodged a report with Alankar Police Station with the allegations that the applicant had represented that non-agricultural use permission (NA) was granted by Sub-Divisional Officer, Pune, vide order NA/SR/4/467/2013, dated 25th March, 2014. A copy of NA order was annexed to each of the registered Sale Deeds. The Sale Deeds also contained a recital that NA permission was granted. However, upon verification of the genuineness of the NA permission order from the office of Sub-Divisional Officer, it transpired that no such NA permission was granted.

5. The Sub-Registrar thus lodged report alleging that in order to derive more value for the land, the applicants, with dishonest intention, forged the NA order and use the forged NA order as a genuine one and executed and registered the Sale Deeds to transfer the plots.

6. The applicant initially approached the learned Sessions Judge seeking anticipatory bail. As the learned Sessions Judge declined to exercise the discretion, the applicants have approached this Court.

7. Mr. Patil, the learned Counsel for the applicants, invited the attention of the Court to the reply given by the applicants to the show cause notice issued by the Tahsildar while conducting enquiry about the genuineness of the NA order. The applicants in the said reply claimed that they had entrusted the work of obtaining the necessary NA permission and lay out to Swapnil Krushna Jagtap and Premnath Prabhakar Mane and an agreement came to be executed under which the applicants agreed to pay a sum of Rs.50,00,000/- to the said duo for obtaining NA permission and sanctioned Lay-Out. Mr. Patil would further urge that pursuant to the said agreement the applicants transferred the amount in the accounts of the abovenamed persons. Thus, the applicants being completely innocent, deserve protection from arrest.

8. *Prima facie*, there is material to show that the NA order is not genuine. Indisputably, the said NA order was used as genuine by the applicants in executing the Sale Deeds of the plots carved out, on the strength of the said NA order. At this stage, the fact that the agreement between the applicants and the abovenamed persons, sought to be pressed into service on behalf of the applicants, appears to have been executed on

24th October, 2019 and the NA order, which is allegedly forged, was shown to have been passed on 25th March, 2014, singularly runs counter to the case of innocence sought to be urged on behalf of the applicants. Payment of a huge sum of Rs.50,00,000/- to liaison for obtaining the said permission is also a matter which *prima facie* does not appeal to human credulity.

9. Thus investigation is warranted to unearth the fraud and the role of the persons, who were instrumental in the alleged forgery of the NA order. The alleged offences have the propensity to affect the public at large. Gravity of the allegations cannot be diluted by simply submitting that the NA order was made available by two other persons.

10. I am, therefore, not inclined to exercise the discretion in favour of the applicants.

11. Hence, the following order:

: O R D E R :

- (i) Application stands dismissed.
- (ii) Interim protection, granted by this Court by order dated 24th February, 2023, stands vacated.

[N. J. JAMADAR, J.]