

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1716 OF 2023**

Rajvir Chandrapal Kajaniya	...Applicant
vs.	
State of Maharashtra	...Respondent

Mr. Sanjeev P. Kadam with Pratik P. Deshmukh i/b Ms. Aditi for the Applicant.

Mr. H. J. Dedhia APP for the Respondent-State.

Mr. S. I. Gaikwad, PSI, Shantinagar police station present.

CORAM : S. M. MODAK, J.

DATED : 26TH JUNE 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. The present Applicant is accused No.4 named in the FIR. In all there are eight accused persons. Accused Nos.1 to 3 are the legal representatives of one Trimbak Shelar. Whereas they have sold the land in question to present Applicant as per registered sale deed dated 30th July 2014. Subsequently, the present Applicant has sold it to other persons. Whereas accused No.8-Bala Jadhav was doing some work relating to the revenue.

3. The sum and substance of the allegations in the FIR is that name of mother of the present first informant-Asrar Nisar Nachan was there on peek pahani column of 7 X 12 extract since the year 1995-96 and thereafter it was deleted without any authorisation.

4. Subsequently, in the year 2014, it was purchased by present Applicant and subsequent transactions have taken place. In the year 1995-96 uptill 2000-2001, the name of one Devki Govind Shelar was there on peek pahani column. This land was purchased by Trimbak Govind Shelar as per provisions of erstwhile Bombay Tenancy and Agricultural Lands Act. There are mutation carried out to that effect. The landlord was one Purshottam Madhavji Thakkar. After the purchase, the heirs of Devki Govind Shelar, have transferred the land by way of sale to present Applicant.

5. It seems that written complaint is filed by the first informant and after inquiry police have registered an offence under sections 420, 465, 467, 468, 469 read with 34 of IPC (page 52). It seems that in written complaint there were certain lacunae and afterwards they were cured. The investigation papers also discloses that the report was called from the concerned Tahsildar, Bhiwandi. He gave report, after calling report from the Circle Inspector. He has opined

for review of certain mutation entries. The Tahsildar has sent report to the Sub-Divisional Officer.

6. The contention of behalf of the Applicant is that the Applicant is bonafide purchaser and he has purchased the land after relaxing condition not to transfer the land and copy of that permission dated 11th July 2014, is annexed to the sale deed. That copy of sale deed is produced on record and marked as Annexure "X". Even though the Revenue Officers, have opined about alteration in the Revenue record, the contention is that present Applicant comes into picture as per the sale deed and as such, he cannot be blamed for all these alterations.

7. After all, there is no allegation that when these alterations were made, present Applicant was in picture. So I am inclined to grant protection from arrest to the Applicant. Hence, the following order is passed :

O R D E R

(a) In the event of arrest, in connection with C.R. No.I-279 of 2023, registered with Shantinagar police station, Thane for the offences punishable under sections 420, 465, 467, 468, 471 read with 34 of IPC, the Applicant-Rajvir Chandrapal Kajaniya

be released on bail on furnishing personal bond and surety bond of Rs.25,000/-.

- (b) The Applicant shall not threaten the prosecution witnesses or allure them in any manner.
 - (c) The Applicant shall give attendance to the Shantinagar police station, Thane on 3rd July 2023 and 10th July 2023, from 10 am to 12 noon and thereafter as and when required.
 - (d) Needless to say, violating of the condition above will make the Applicant liable for cancellation of anticipatory bail, after notice to the Applicant.
8. Application is disposed of accordingly.
9. These are my prima facie observations and the trial Court may not be influenced by that.
10. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]