

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

ANTICIPATORY BAIL APPLICATION NO.1784 OF 2023

1. Rajnikant Sonawane	...
2. Nilesh Pandurang Suryavanshi	...
3. Harshit Narendra Mehta	...Applicants
vs.	
The State of Maharashtra	...Respondent

Mr. R. D. Suryawanshi for the Applicants.
Mr. S. R. Agarkar APP for the Respondent - State.

CORAM : S. M. MODAK, J.

DATED : 13TH JULY 2023

P. C. :

1. Heard learned Advocate Mr.Suryawanshi for all these Applicants, who are Accused Nos.5 to 7, as per the FIR registered with the Shanti Nagar police station. It was registered on 13th April 2023, on the complaint of one Asrar Nisar Nachan for the offences punishable under Sections 420, 465, 467, 468, 471 read with 34 of IPC.

2. The sum and substance of the allegations in the FIR is that name of the first informant's mother Mehrunisa Nisar Nachan

was appearing on 7 X 12 extract under the column peek pahani.

It is in respect land bearing Survey No.12/7, Old Survey No.153/7. The original owner was one Mr. Purshottam Madhavji Thakkar. The name of her mother was there in peek pahani column since 1982. Her name is recorded after death of grandfather of the first informant.

3. When he went for obtaining 7 X 12 extract, he came to know that the land is purchased by one Rajvir Kajaniya as per mutation entry No.226. On further inquiry, it was revealed that the name of Mehrunisa Nisar Nachan was deleted. Her name was there from 1995-1996 upto 2000-2001. It was further disclosed that name of Devki Govind Shelar was entered as agricultural tenant and after her death names of Indubai Trimbak Shelar and Bugabai Baliram Jumare were recorded. Furthermore, the share was effected in their names as per the provisions of the Maharashtra Tenancy and Agricultural Lands Act. On this background he lodged the complaint and FIR came to be registered.

4. Applicant No.3 is the Chartered Accountant and he claims

that he has purchased land after taking proper care. He has issued public notice. Its copy is annexed and also obtained search report. Initially, he entered into agreement for sale on 3rd November 2018, with Rajvir Kanojia-accused No.4, and then on 2nd December 2019, he executed registered sale deed, whereas Applicant Nos.1 and 2 are his Power of Attorney holder.

5. It is contended that he is no way concerned with what has happened to the changes earlier to their purchase. Reliance is also placed on the order dated 26th June 2023, passed by this Court in Anticipatory Bail Application No.1716 of 2023. I have gone through the order of co-accused-Rajvir Kanojia who is granted anticipatory bail. He has purchased the land from the owner Shelar.

6. Today, no one is present from the concerned police station but after going through the allegations in the FIR, what I find is that the roles of present Applicants are much better than the role of accused-Rajvir Kajaniya. I do not think that custodial interrogation of the Applicants is required. Earlier to filing of this FIR there was regular Civil Suit No.695 of 2017, filed by the first

informant. It was originally filed against Tenant purchaser Indubai Trimbak Shelar and later on present Applicant No.3 was joined as party defendant. Furthermore, there is Tenancy Appeal filed by the first informant. The evidence is pertaining to documents. The police can seize it from the record. The interest of the prosecution can be protected by giving attendance to the Applicants. I do not think that their custodial interrogation is required. So I am inclined to grant protection from arrest to the Applicants. Hence, the following order is passed :

ORDER

- (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, Applicant No.1-Rajnikant Sonawane, Applicant No.2-Nilesh Pandurang Suryavanshi and Applicant No.3-Harshit Narendra Mehta be released on bail on furnishing personal bond and surety bond of Rs.25,000/- by each of the Applicants.
- (b) The Applicants 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 10th July 2023, and 17th 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.

7. Application is disposed of accordingly.

8. These are my prima facie observations and the trial Court may not be influenced by that.

9. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]