

VRJ

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

**ANTICIPATORY BAIL APPLICATION NO.3241 OF 2022**

|                          |                |
|--------------------------|----------------|
| Mahesh Omprakash Dhoot   | ... Applicant  |
| <b>V/s.</b>              |                |
| The State of Maharashtra | ... Respondent |

Mr. Shirish Gupte, Senior Advocate with Mr. Sachin B. Thorat for the applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

Mr. Vishwas Dagade, PI, Hadapsar police station is present.

**CORAM : AMIT BORKAR, J.**

**DATED : JUNE 8, 2023**

**P.C.:**

1. Apprehending arrest in connection with C.R. No.1116 of 2022, registered with Hadapsar police station, Pune, for offences punishable under sections 420, 465, 467, 468, 471, 34 and 120-B of the Indian Penal Code, 1860 and under section 82 of the Registration Act, 1908, the applicant is seeking his pre-arrest bail under section 438 of the Criminal Procedure Code, 1973.

2. According to prosecution, one Vishnu Aamle is serving as Junior Clerk in the office of Sub-Registrar Class-I, filed a report alleging that on 14<sup>th</sup> January 2022, accused Nos.1 to 4 sold shop Nos.3, 4 and 9 in favour of third party purchaser through the applicant as Power of Attorney holder. It was alleged that in those

registered documents, forged non-agricultural assessment permission orders and occupancy certificates were annexed. Therefore, it is alleged that the applicant along with other co-accused have committed offence under section 82 of the Registration Act, 1908. Offences under sections 420, 465, 467, 468, 471, 34 and 120-B of the Indian Penal Code, 1860 were also added.

3. The applicant, therefore, approached the learned Sessions Judge under section 438 of the Criminal Procedure Code, 1973, which application was rejected by order dated 11<sup>th</sup> November 2022. Aggrieved thereby, the applicant has filed present application.

4. This Court by order dated 22<sup>nd</sup> November 2022, granted interim protection to the applicant. The prosecution has not pointed out that the applicant has violated conditions imposed on the applicant by interim order dated 22<sup>nd</sup> November 2022.

5. The learned Senior Advocate appearing on behalf of the applicant submitted that the applicant has played no role in making alleged forged documents. He invited my attention to the averments in the agreement to sell dated 14<sup>th</sup> January 2022, which contains a recital that the owner of the property has got regularization of use of land under the provisions of Gunthewari. He also invited my attention to another agreement of the same date containing similar averment. According to him, section 82 of the Registration Act, 1908 is not attracted considering the allegations in the first information report. According to him,

section 82(a) is applicable only in relation to proceeding or inquiry under the act. Clause (a) is not applicable at the stage of presentation of the documents on its execution.

6. Per contra, learned APP submitted that the applicant was having knowledge of alleged forged documents. The material on record in the form of statement of co-accused indicate that the applicant was present when the owner of the property handed over amount to the person who allegedly prepared the documents. Since the applicant was aware of forged document being presented before the registration officer, his custodial interrogation is necessary.

7. Having considered the material on record and the case diary, prima facie it appears that the applicant presented documents in question with the registration officer as per section 32 of the Act. On prima facie perusal of the statement of the co-accused who has allegedly procured the forged order, it shows that accused No.3 actively participated in getting forged documents. Averments is registered documents dated 14<sup>th</sup> January 2022, prima facie shows that owners of the property handed over alleged forged documents to the applicant.

8. The applicant has been protected by order dated 22<sup>nd</sup> November 2022. No material is on record to indicate that the applicant has not cooperated with the investigation. There is no violation of conditions of the interim order. Therefore, in my opinion, the ad-interim order granted on 22<sup>nd</sup> November 2022 deserves to be continued.

9. The order dated 22<sup>nd</sup> November 2022 is, therefore, confirmed on the same conditions stated in the order with additional conditions as under:

- i. The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.
  - ii. The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.
10. The anticipatory bail application is disposed of in above terms.

**(AMIT BORKAR, J.)**