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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO.3073 OF 2022**

1. Mrs. Alka Satish Herekar  
2. Mr. Satish Parshuram Herekar ...Applicants  
V/s.  
State of Maharashtra ...Respondent.

WITH  
**INTERIM APPLICATION NO. 3976 OF 2022**

Mr. Abhishek Avachat for the Applicants.  
Mrs. Veera Shinde, APP for the Respondent/State.  
Mr. Aadesh V. Kondedeshmukh for the Intervenor.

**CORAM : N.R. BORKAR, J.**  
**RESERVED ON : 13.12.2022.**  
**PRONOUNCED ON : 23.01.2023.**

**P.C. :**

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicants are apprehending their arrest in Crime No.653 of 2021 registered at Hinjwadi Police Station, Pimpri-Chinchwad for the offences punishable under Sections 406, 420, 467, 468, 471 read with 34 of the Indian Penal Code (IPC).
3. The applicants are owners of the land bearing Gat No.34 Hissa No.2A to the extent of 10.77 R at village Maan, Taluka Mulshi, Dist. Pune. They purchased the said land from the complainant and his family members by Sale Deed dated 6 January 2016 for consideration of Rs.92,70,400/-. The execution of Sale Deed is not in dispute. The complainant has alleged replacement of certain pages of the Sale Deed. The similar

allegations are made against the other co-accused who have also purchased some portion of land in question from the complainant and his family members.

4. According to the complainant, the co-accused Sabbir Babu, who appears to be middleman for the above transaction between the applicant and the complainant, had told him that as per draft plan certain portion of the land in question is likely to be affected by road widening. According to the complainant, it was thus agreed that the said portion would remain with them and they would use the said portion as per their requirements. According to the complainant, when they were carrying out certain temporary construction over the said portion, a report came to be lodged against them that they are not acting as per the recitals in the Sale Deed. According to the complainant on going through the Sale Deed, they found that certain pages of the Sale Deeds were replaced and the recitals were incorporated that they would not make any sort of construction over the portion likely to be affected by road widening. Thus, forgery and cheating is alleged.

5. I have heard the learned counsel appearing for the applicant, the learned APP for the respondent / State and so also the learned counsel for the intervenor.

6. The learned counsel for the applicants submits that the applicants are *bona fide* purchasers and there is no reason for them to replace the pages and incorporate alleged recitals as they are not going to get any monetary benefit out of it. It is submitted

that there is no need of custodial interrogation as nothing is to be recovered from the applicants.

7. On the other hand, the learned APP for the respondent/State and the learned counsel for the intervenor submit that considering the nature of offence, the applicants may not be released on anticipatory bail.

8. I have perused the FIR. *Prima facie* there appears to be delay in lodging the report. There appears to be no need of custodial interrogation. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the applicants. Accordingly, the interim anticipatory bail granted to the applicants by order dated 4 November 2022 is hereby confirmed.

9. The Anticipatory Bail Application is disposed of.

10. In view of disposal of anticipatory bail application, the Interim Application for intervention does not survive and the same is also disposed of.

**[N.R.BORKAR, J.]**