



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3365 OF 2023**

Vinod Kisan Mhatre	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Viresh Purwant, for Applicant.
Smt. Ashwini A. Takalkar, APP for State.
Mr. Ashok Kadlag, PI, Bazarpeth Police Station, Thane City present.

**CORAM: N.J.JAMADAR, J.
DATE : 4 DECEMBER 2023**

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.275 of 2023 registered with Bazarpeth Police Station, Thane City, for the offences punishable under Sections 420, 465, 468, 471 of the of the Indian Penal Code and Sections 51, 52, 53, 54 of the Maharashtra Regional and Town Planning Act, 1966.
3. The first informant is the Town Planner at Kalyan Dombivali Municipal Corporation. The applicant had submitted a plan to develop property situated at Survey No.158 (old), 77 (new), Hissa Nos.4 and 5. Permission to construct a five storied building was granted on 9 July 2010. In the year 2021, the applicant through the co-accused Dhiraj Bharat Patil, submitted a plan to construct five more floors on the said building at the same site. A map purported to have been issued by the Superintendent of Land Records vide M.R.No.215 of 2014 dated 26 August 2014 was

annexed to the proposal. Based on the documents, including the said map, a revised building permission was granted on 27 July 2021.

4. A complaint was received that the revised building permission was obtained by submitting fabricated documents, particularly, the map issued by the Superintendent of Land Records, vide M.R.No.215 of 2014 dated 26 August 2014. Thereupon, the Superintendent of Land Records was requested to verify the genuineness of the said documents.

5. The Superintendent of Land Records, Kalyan, vide communication dated 11 March 2022 informed that the map vide M.R.No.215 of 2014, relied upon by the applicant, did not tally with the record maintained in the office of the Deputy Superintendent of Land Records and the said map was not issued by the said office.

6. Thus, alleging that the applicant and the co-accused had forged the map, signatures of the officials and the stamp thereon, and used the forged map as genuine, and, thereby obtained the revised building permission and constructed five more floors, initially, the building permission was cancelled and, later on, a report came to be lodged on 4 October 2023.

7. Mr. Purwant, the learned Counsel for the Applicant submitted that the applicant had a dispute with Mr. Sanjay Nikte and Mr. Deepak Sawlani, who had lodged a false complaint to wreck vengeance. At any rate, there is a genuine dispute about the situation of the subject land and the area thereof. The custodial

interrogation of the applicant is, therefore, not warranted. Attention of the Court was invited to an order dated 17 November 2023 passed by this Court in ABA No.3260 of 2023, whereby Mr. Dhiraj Bharat Patil, Co-accused and Architect, was granted interim protection. Mr. Purwant would urge that the applicant is entitled to same dispensation.

8. Learned APP resisted the application. It was submitted that the applicant had not only forged the map purported to have been issued by the Superintendent of Land Records, but also used the forged map to obtain the building permission and thereby constructed the additional floors. As a clear case of forgery of public record is made out, the applicant does not deserve the pre-arrest bail, submitted Ms. Takalkar.

9. As is evident, initially permission was granted to construct a five storied building. Revised permission was granted by the KDMC on the strength of the map submitted by the applicant. The said map is clearly at variance with the original map issued by the Deputy Superintendent of Land Records. There is a strong prima facie material to show that a false map was shown to have been issued by the office of the Superintendent of Land Records with the signatures of the officials and the stamp thereon forged. The applicant, being the developer, cannot wriggle out of the situation by asserting that the proposal was submitted by the Architect.

10. It is imperative to note that the applicant had allegedly used the forged

map as genuine to obtain advantage. Investigation is warranted to ascertain the authorship of the forgery, persons who were privy to the said forgery and unearth the fraud in all its facets. Release of the applicant on pre-arrest bail would jeopardise the interest of fair and effective investigation.

11. I am afraid, grant of interim protection to Mr. Dhiraj Bharat Patil, co-accused and the Architect, is of any assistance to the applicant. A perusal of the said order indicates that this Court was impelled to grant interim protection as the marriage of the said co-accused was to be solemnized on 27 November 2023. In the peculiar situation, this Court considered it appropriate to grant interim protection to the co-accused Dhiraj Bharat Patil.

12. In any event, the applicant being a developer and direct beneficiary of the alleged fraudulent act, the role attributed to the applicant stands on more grave footing.

13. Hence, the following order :

ORDER

(i) The application stands rejected.

(ii) It is, however, clarified that the observations are confined to the consideration of entitlement for pre-arrest bail and the trial Court shall not be influenced by any of the observations in further proceedings.

(N.J.JAMADAR, J.)