IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 251 OF 2024

Bharat Sukhaji Jadhav ….Applicant

VERSUS

The State Of Maharashtra And Others …..Respondents

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Mr. B.G. Sagade, Advocate for applicant.
Mr. A.R. Kale, APP for State.
Ms. Sheetal Salunke, Advocate for informant.

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd MARCH, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 7/2024, registered with Shilegaon Police Station, Dist. Aurangabad, for offences punishable under sections 420, 467, 468, 469, 471 r/w 34 of Indian Penal Code.

2. FIR is lodged on the basis of directions given by Trial Court under section 156(3) of Cr.P.C. Informant Sachin Admane has stated that he along with partner Shaikh Shabbir Shaikh Babulal and Mohammad Soharab on 04.05.2012 have purchased land Gut No. 29, admeasuring 1 Hectare 62 Are situated at Arapur, Taluka- Gangapur from Alpana Surana. Accordingly, their names were entered in the revenue record vide Mutation Entry

No. 623. On 23.12.2021, informant and his partner when went to said land, they saw that one Kataria and Velgi have purchased the said land and the board to that effect was affixed by D.R.T. On inquiry they came to know that Kataria and Velgi have purchased the land from Central Bank of India under the order of Court. Informant then inquired with his vendor Alapana Surana. She disclosed that she had purchased the land in question from Bharat Jadhav (applicant) by registered sale deed no. 4699/2011 dated 07.10.2011. In the said sale deed names of accused No. 5 and 6 are mentioned as witnesses. On inquiry with Central Bank of India, informant came to know that land in question was mortgaged by applicant by mortgaged deed dated 12.11.2005, for the loan amount of Rs. 40,60,000/- obtained in the name of Sumed Farmhouse. Applicant is proprietor of Sumed Farmhouse. Without repaying loan, applicant in connivance with accused No. 7- Circle Officer fabricated no dues certificate by using fake seal of bank and by forging signature of bank manager, no dues certificate was prepared and on the basis of said no dues certificate, by mutation entry no. 583, dated 25.05.2011, encumbrance of bank was removed.

3. Heard learned advocate for applicant, learned APP for State assisted by learned advocate for informant. Perused the investigation papers.

4. From the investigation papers it appears that applicant has forged the no dues certificate and has used it as genuine for removing encumbrances of Central Bank of India. Said no dues certificate is yet to be recovered from the applicant. Since, *prima facie*, involvement of applicant is there on record, considering the serious allegations and complicity of applicant and as recovery is to be effected from him, he is not entitled for discretionary relief of anticipatory bail.

5. In the result, Anticipatory Bail Application No. 251/2024 is rejected.

6. At this stage, learned advocate for applicant prays for continuation of interim protection granted to applicant for a period of two weeks. For the reasons stated in the order, said prayer is rejected.

[NITIN B. SURYAWANSHI, J.]

Bhagyawant Punde