IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

936 ANTICIPATORY BAIL APPLICATION NO. 271 OF 2024

Ravikant Shridharrao Dahale ....Applicant

VERSUS

The State of Maharashtra & another .....Respondents

.....
Mr. S. S. Panale, Advocate for Applicant.
Mr. B. B Bhise, APP for the State.

AND
ANTICIPATORY BAIL APPLICATION NO. 294 OF 2024

Sunil Uttareshwar Shirapurkar .....Applicant

VERSUS

The State of Maharashtra & another .....Respondents

.....
Mr. V. D. Salunke, Advocate for Applicant.
Mr. B. B. Bhise, APP for the State.

AND
ANTICIPATORY BAIL APPLICATION NO. 547 OF 2024

Dhanaji Pandurang Kale .. Applicant

VERSUS

The State of Maharashtra & another .....Respondents

.....
Mrs R. S. Kulkarni, Advocate for Applicant.
Mr. B. B. Bhise, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 3rd OCTOBER, 2024.

PER COURT :

1. This is a classic example as to how the criminal process of law can be abused and Government authorities can be presssurised and involved in criminal cases.

2. First informant claims himself to be the Secretary of the Veej Tantrik Karmachari Gruh Nirman Sanstha. In the First Information Report, he is alleged that without consent of the members, the constitution of the committee was changed. In the new committee, he is not the office bearer. There is allegation that the Chariman i.e. the co-accused and other members have sold the 4 plots of the society to co-accused Nos. 2 to 5. There is allegation that on the basis of false and bogus documents the said transfer was effected. Allegation is also made that bogus signatures being made by the accused while executing the said transaction. Insofar as present Applicants are concerned, there is allegation that without verifying the documents, permission for sale is granted and the said sale-deeds were registered on 03.06.2022.

3. Applicants herein are Sub-Registrar of Assurances, Assistant Registrar of Co-operative Society and District Deputy Registrar of Co-operative Society. Learned counsel appearing on their behalf submit that there are no specific allegations against the Applicants in the First Information Report and it is vaguely stated that without verifying the documents illegal permission for sale is granted by the Assistant Registrar of Co-operative Society and on the basis of said documents, the Sub-Registrar has registered the sale-deeds. Learned counsel for District Deputy Registrar has drawn attention of the Court to the document which indicates that infact the present informant is signatory in case of two transactions wherein earnest receipt is issued. According to him, this indicates that he had knowledge about the said transaction and the First Information Report is lodged by way of an after thought. It is also submitted on behalf of the Applicants that the Applicants being Government authorities, they are not required to consider as to whether the documents submitted before them are genuine or otherwise unless it is claimed so by any one. It is brought to the notice of this Court that the Assistant Registrar, before granting permission of sale, has made all the necessary enquiries and compliances were also called upon from the society. This, according

to her, is reflected from the order of the Assistant Registrar dated 18.05.2024. Thus, it is the submission of learned counsel appearing on behalf of the Applicants that there is no evidence in order to connect the present Applicants with the crime.

4. Learned APP vehemently opposed the Applications by contending that the permission for sale was obtained on the basis of false and bogus documents. He drew attention of the Court to the investigation papers wherein, according to him, the resolutions passed do not show the signatures of the Secretary. It is his submission that it is the responsibility of the Applicants to verify the documents and then to grant permission or to register the documents of sale-deed.

5. It is not the case of the informant that the Chairman and the committee members of the society had sold the plot belonging to any member to any third person. Insofar as allegations in the First Information Report are concerned, they are essentially against the Chairman and the committee members to the effect that bogus documents were created under the bogus signatures and were submitted to the authorities concerned. A specific query was made

to the learned APP as to whether permission granted by the Assistant Registrar for sale dated 18.05.2022 has been challenged till date. In response thereto, he submits that the said order has not been taken exception to before the Co-operative Court or any other Court. If it is so, this Court finds substance in the contention of learned counsel for the Applicants that there is a possibility that since the informant did not get any share in the said transactions, present report is filed, in view of the documentary evidence placed before the Court in the form of earnest money receipts which bear signature of the informant. Thus, this Court has no hesitation to prima facie observe that there is no substance in the allegations against the present Applicants. As such, applications deserve to be allowed and allowed accordingly in terms of the interim order.

(R. M. JOSHI)
Judge

dyb