



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 ANTICIPATORY BAIL APPLICATION NO. 610 OF 2024

- 1) Shamsundar Vaijanath Jadhav
- 2) Laxman Sonba Rupnavar

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Hanumant P. Jadhav

APP for Respondents: Mr. P.K. Lakhotiya

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CORAM : SHIVKUMAR DIGE, J.

DATED : 9th AUGUST, 2024.

PER COURT :-

1. The applicants apprehend arrest in connection with crime No. 0141 of 2024 registered with M.I.D.C. Police Station, Latur, district Latur for the offence punishable under sections 420, 464, 467, 468, 469, 470, 471, r/w 34 of Indian Penal Code.

2. It is the prosecution's case that the informant purchased a plot by way of sale deed which is situated at Pakharsangavi. When she visited the said plot, she found that one lady was staying there by erecting a temporary shed. When she inquired with the said lady about her stay, the said lady told the informant that she has purchased the said plot from applicant No.1 on the basis of Tharav Patra (Agreement to sale). When the informant saw the said Tharav

Patra she came to know that applicant No.1 alongwith the applicants had forged her signature on said Tharav Patra and applicant No.2 has signed the said Tharav Patra as witness.

3. It is the contention of the learned counsel for the applicants that the informant had agreed to sale the suit plot to applicant No.1 and on that basis that Tharav Patra was prepared. On the basis of the said Tharav Patra the applicant No.1 has permitted the lady to stay in the disputed plot. Learned counsel further submitted that the applicant No.2 has no role. There are no allegations against the applicant No.2 except he has signed on the said Tharav Patra as witness. Considering the allegations against the applicants, their custodial interrogation is not required. Hence requested to allow the application.

4. It is the contention of the learned APP that the applicant No.1 has forged the signature of the informant on the Tharav Patra. The informant was not aware about the said Tharav Patra. Learned A.P.P. further submitted that the said Tharav Patra is notarized before the notary. The police have recorded the statement of the notary. In the statement, the notary has stated that the informant was not present when the said Tharav Patra was registered before him. The applicant No.1 had brought the said document to notarize it and

applicant No.1 had stated before the notary that it is simple document. It shows the involvement of the applicant No.1 in the said crime. Learned APP further submitted that the applicant No.2 was aware that signature of the informant was forged inspite of that he signed the said document as witness. Hence, requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the applicant No.1 are that he had forged the signature of the informant on Tharav Patra. On that basis, he permitted one lady to reside in the plot of the informant. The informant has purchased the said plot by way of sale deed. The said Tharav Patra is notarized before notary advocate Shri Abdul Khayyum. The police have recorded the statement of notary Abdul Khayyum. In the statement, this witness has stated that the said Tharav Patra was brought to him by applicant No.1 to notarize it. At that time, the informant was not present. When this witness asked about the said document to applicant No.1, he told him that it is a simple document. On the say of applicant No.1, this witness has notarized the document. Considering the allegations against applicant No.1, it appears that applicant No.1 has forged signature of the informant and prepared false agreement to sale. Hence, his custodial interrogation is required. The allegations against

the applicant No.2 are that he was signatory of the Tharav Patra as a witness. Considering the allegations against the applicant No.2, his custodial interrogation is not required. Hence I pass the following order :-

ORDER

- (i) The application is partly allowed.
- (ii) The application of applicant No.1 Shamsundar Vaijanath Jadhav is rejected.
- (iii) The interim anticipatory bail granted to the applicant No.2 vide order dated 18.04.2024 stands confirmed on the same terms and conditions with following modification:-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

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