



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.501 OF 2023

Mohammad Ubaid s/o Rashid
Ahmed Qureshi,
Age 26 years, Occ. Private Engineer,
R/o Samatanagar, Damm Road, Udgir,
Taluka Udgir, District Latur

... Applicant
(Not named in FIR/Accused
No.4 in Charge Sheet)

Versus

1] The State of Maharashtra
Through its In charge
Police Station Officer,
Udgir City Police Station,
District Latur

2] The Superintendent of Police,
Latur

... Non-Applicants
(Prosecution)

...
Mr. R. S. Deshmukh, Sr. Advocate i/b Mr. Devang Deshmukh,
Advocate for Applicant
Mr. S. B. Jadhav, APP for Respondents/State

...

CORAM : NITIN B. SURYAWANSHI, J.

**RESERVED ON : 20th FEBRUARY, 2024
PRONOUNCED ON : 05th MARCH, 2024**

ORDER :

1. Applicant apprehends arrest in C.R. No.92/2022, registered with Udgir City Police Station, Dist. Latur, for offence punishable under Sections 420, 465, 466, 467, 468, 471 of the Indian Penal Code.

2. FIR has been lodged by Pratap Piraji Waghmare, Sub-

Registrar, Udgir, under the directions of Collector, Latur, stating that in the meeting dated 22/02/2022, informant found some suspicious Gunthewari Certificates at Sub-Registrar's Office. He, therefore, issued letter to Chief Officer, Municipal Council Udgir and inquired about Gunthewari Certificate Nos. G-1484 and G-1485. Chief Officer of Municipal Council informed that those Gunthewari Certificates are of plot Nos.7 and 8 out of Survey No.210/1, which belongs to Maroti Babaji Apte. Informant then verified his office record and found a sale deed in respect of Survey No.210. He, therefore, again issued letter to Chief Officer, Municipal Council Udgir on 04/04/2022 and inquired about Gunthewari Certificate Nos. G-522, G-531, G-530, G-520, G-606, G-535, G-523, G-530, G-1486, G-1491, G-1496, G-1487, G-1488, G-1500, G-1489, G-1492, G-1490, G-1493. Chief Officer of Municipal Council informed that those Gunthewari Certificates are not issued by his office and heavy loss is caused to the State due to such bogus certificates. He, therefore, lodged FIR against Maroti Babaji Apte. During the investigation name of applicant is disclosed. On completion of investigation, charge-sheet is filed on 19/08/2022 against 1. Maroti Babaji Apte, 2. Atique Laik Shaikh, 3. Shaikh Maunoddin Mehaboobsab, 4. Qureshi Mohammad Ubaid Rashid. Prosecution has claimed that accused persons in connivance with each other have shown that accused No.1 Maroti Apte has executed agreement of sale dated 15/11/2018 in favour of accused Nos.2 and 3 in the capacity of owner and possessor of Survey No.210/1. All

accused persons prepared layout and sold the plots from said layout to various persons and have prepared bogus Gunthewari Certificates and stamps, so also, bogus receipts showing that amounts are paid for obtaining Gunthewari Certificates and have cheated the Government. Hence, they have committed offence punishable under Sections 420, 466, 465, 467, 468, 471 r/w 34 of I.P.C.

3. Heard learned Senior Advocate for applicant and learned APP for respondents/State. Perused the investigation papers.

4. Learned Senior Advocate would urge that investigation pertains to documents, which are already seized and as the charge-sheet is already filed, applicant who is working in private service as Engineer, may be granted protection. Applicant has no criminal antecedents and his custodial interrogation is not necessary. Applicant was not called during the investigation, hence, it cannot be said that he was absconding. After granting interim protection, for 80 times applicant has attended the police station.

5. Learned APP, on the other hand, opposed the application by relying on the charge-sheet.

6. Perusal of charge-sheet indicates that it is filed against applicant under Section 299 of Cr.P.C. According to prosecution,

offence has taken place during the period from 01/01/2019 to 10/04/2022. Earlier bail application filed by applicant before the trial Court was rejected on 18/06/2022. Thereafter, after filing of charge-sheet on 19/08/2022, applicant has moved second bail application on the ground of change in circumstance. The same is rightly rejected by the Sessions Court holding that there is no change in circumstance, as the charge-sheet is filed against applicant under Section 299 of Cr.P.C.

7. As per the report of investigating officer, during investigation original agreement to sale dated 15/11/2018 is seized from accused No.1 Maroti Apte. Approved layout plan of plot Nos.7, 8, 9, 11, 15, 16, 17, 18, 19, 20, 25, 26, 27 and 30, duplicate receipt book Nos. A-133, B-115, A-132, A-137, A-93 and bogus receipts issued from said receipt books are recovered from accused No.2 Atique Shaikh. Also, 15 forged original Gunthewari Certificates and other relevant documents were recovered from Atique Shaikh.

It is transpired in the investigation that applicant has played major role in commission of offence and eight forged Gunthewari Certificates, forged rubber stamps and seal of Chief Officer of Municipal Council Udgir, which were used in preparing bogus Gunthewari Certificates, are to be seized from applicant.

8. Custodial interrogation of applicant is necessary to elicit information of the place where applicant has prepared forged

rubber stamp and seal of Chief Officer, so also, who has assisted applicant in preparing bogus rubber stamps, seal and forged documents. After interim protection was granted to applicant, investigating officer has reported that applicant has not co-operated in investigation. After rejection of applicant's first anticipatory bail application on 18/06/2022, applicant is absconding.

9. Considering the gravity of accusations and complicity of applicant, and the fact that applicant has not co-operated in the investigation, applicant does not deserve discretionary relief of anticipatory bail. For effective investigation and recovery, custodial interrogation of applicant is necessary. In the result, application is rejected.

10. At this stage, learned advocate for applicant prays for continuation of interim protection granted to applicant. For the reasons stated in the order, said prayer is rejected. Interim protection granted earlier stands vacated.

(NITIN B. SURYAWANSHI, J.)