



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 758 OF 2024

Ramesh Ratnakar Shingare

VERSUS

The State Of Maharashtra And Another

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Mr. R. R. Karpe, Advocate for Applicant

Mrs. K. R. Jamdhade, APP for Respondents/State

Mr. S. S. Patil, Advocate for Informant

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CORAM : R.M. JOSHI, J

DATE : JULY 11, 2024

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 73 of 2024 registered with Chandanjira Police Station, Dist. Jalna for the offences punishable under Sections 468, 471, 420 and 506 of the Indian Penal Code.

2. First informant Gopal Goyal has stated in the report that he had purchased property at Hinganghat, Dist. Wardha and was intending to sell the plots by making the said property a non agriculture land. It is stated that the Applicant approached him to help in the said project. It is claimed by the informant that for the purpose of obtaining non agriculture permission he

had paid money to the Applicant from time to time. He further claims that he was shown bond dated 07.01.2019 in which all rights of the informant were said to have been transferred to the Applicant. The informant claims that he did not sign the said document as he had doubt about it. There is specific statement in the FIR that after 23.07.2023 his Manager Gajanan Unde went to the spot wherein he was shown document/bond dated 07.01.2019. The said bond was shown to the informant by Gajanan Unde and he found that the said bond does not bear his signature and the said signature is forged. On this count, report came to be lodged.

3. Learned Counsel for the Applicant submits that even from the FIR it can be seen that there are transactions between the parties which are civil in nature. It is his submission that the transactions are for period from 2019 to 2024. According to him, some dispute arose between the parties and, therefore, non cognizable complaint made against informant on 30.07.2023 so also civil suit bearing R.C.S. NO. 117/2023 is filed. It is alleged by the Applicant that informant is avoiding service of notice of said suit

and present report is lodged by way of counter blast.

4. Learned Counsel for the informant opposed the said submissions by contending that though it is sought to be canvassed that dispute is of civil nature, however, the allegations in the FIR indicate that the issue is about forgery of the signature of the informant on bond dated 07.01.2019. It is his submission that his manager Gajanan Unde went to the spot and that Applicant has handed over the said bond to him and only on that point of time it is revealed to him about the fabrication of document. He places on record non cognizable report lodged on 17.05.2024 indicating that after grant of interim relief, present Applicant has threatened his manager Gajanan Unde. Hence, it is submitted that this is not a fit case for grant of anticipatory bail.

5. Learned APP also opposed the application by drawing attention of the Court to the investigation papers and more particularly, statement of Gajanan Unde and Laxmikant. It is submitted that from the statement of Laxmikant it is clear that two bonds were purchased

by the Applicant in the name of informant without informant being present at the relevant time. It is also stated that as per the statements of this witness the Applicant had signed the said register of the bond vendor. Reference is made to the statement of Gajanan Unde in order to submit that it is only after copy of the bond was handed over to informant, this fabrication was revealed to him.

6. Perusal of the FIR shows that there was a transaction between the informant and the Applicant. Though Applicant claims that it was a transaction for development and informant avers that the Applicant was helping him for converting the land into non agriculture land but admittedly against such transaction some money was paid by informant. As far as FIR is concerned, perusal of the same indicates that it is vaguely stated in the FIR that when Gajanan visited the spot, he was handed over with the bond by the Applicant. However, Gajanan Unde in his statement recorded by investigating officer clearly states that at the instance of informant he had been to the spot on 23.08.2023 and he has been given a copy of the bond by

Applicant. There is specific statement that on 25.08.2023 he went to the informant and apprised him of this fact.

7. The question arises as to why no action has been taken by the informant from 25.08.2023 till lodging of FIR on 23.02.2024. There is record to indicate that prior to filing of the FIR suit came to be filed by the Applicant against informant so also non cognizable complaint is already registered against him. Any prudent man if comes to know about his signature being forged on a document by virtue of which his rights in the property is transferred, it is not possible he will not make immediate complaint thereof. For want of any explanation for not lodging report immediately, the contention of the learned Counsel for the Applicant deserves to be accepted that the report could be nothing else but by way of counter blast to the proceedings initiated by the Applicant against informant. Perusal of the police papers shows that the statement of Gajanan is recorded on 26.02.2024. Thus, this Court finds no substance in the contention of informant that threats were given to a person whose

statement is already recorded.

8. Having regard to the aforestated fact, when a doubt is created about the genuineness of the FIR and having regard to the nature of transaction and delay caused in lodging FIR, it is a fit case to protect the liberty of the Applicant. Hence, application is allowed by confirming interim order dated 15th May, 2024.

(R. M. JOSHI, J.)

Malani