



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

ANTICIPATORY BAIL APPLICATION NO. 1464 OF 2023

NARENDRAKUMAR KANHAIYALAL JANGDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Rahul P. Mote, Advocate for Applicant
Mr. D.B. Bhange, APP for Respondents/State
Mr. S.S. Bora, Advocate for Informant/Assist to APP
...

CORAM : NITIN B. SURYAWANSHI, J.
DATE : 21th FEBRUARY, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.436/2023, registered with Taluka Police Station, Jalna, for offence punishable under Sections 420, 467, 468, 471 r/w 34 of the Indian Penal Code.
2. FIR is lodged by nephew of applicant namely Manojkumar Dilipkumar Jangade, alleging that CTS No.11389/A-125 situated at Jalna, though was not given in partition to applicant, applicant in collusion with employees of City Survey Office got the said property transferred in his name and mutated his name to the same on the basis of forged notarized document. On the basis of same, it is shown that applicant has received plot in partition on 04/12/1995, during the lifetime of his father Kanhaiyalal Jangade.
3. Heard learned advocate for applicant, learned advocate for informant and learned APP for respondents/State. Perused the investigation papers.

4. From the investigation papers it appears that in the partition deed executed on 04/12/1995, property to which applicant has mutated his name, is not mentioned in partition deed. Record of said mutation entry of CTS No.11389/A-125 is not available in the office of Deputy Superintendent of Land Record. Investigating officer has *prima facie* come to a conclusion that on the basis of forged partition deed which was presented by applicant, at the time of mutating his name to the said property, applicant in collusion with employees of the said office has got his name mutated and thereafter, record is either destroyed or taken away. It is, therefore, claimed by prosecution that applicant's custody is necessary to recover the forged document on the basis of which said mutation entry is taken.

5. Prosecution further alleges that applicant has used fake rubber stamp of Deputy Superintendent of Land Record on 06/01/1996. From perusal of P.R. card, it is clear that there is superimposition of the stamp.

6. The Sessions Court while rejecting anticipatory bail application of applicant has observed that, "*It is clear that it is a case of consorted efforts in obtaining mutation, forging documents fraudulently, illegally and selling the plots. Detail investigation in this will be necessary.*"

7. Taking into consideration the seriousness of offence and complicity of applicant in present crime, so also, considering the fact that applicant is accused in C.R. No.571/2020, registered with Kadim Police Station, Jalna, at the instance of informant under Sections 420, 465, 406, 467, 468, 469, 470, 471 r/w 34 of I.P.C., in which charge-sheet is already filed in competent Court, applicant does not deserve discretionary relief of anticipatory bail, applicant's custody is necessary for effective investigation.

8. For aforesaid reasons, application is rejected.

9. At this stage, learned advocate for applicant seeks continuation of interim protection granted to applicant. Interim protection is continued for a period of two weeks from today.

(NITIN B. SURYAWANSHI, J.)