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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1945 OF 2023

Sandip Machindra Pawar

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Joydeep Chatterji, Advocate for the applicant

Mrs. U. S. Bhosale, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 23rd JANUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No. 841 of 2023 registered with Pathardi Police Station, Pathardi, District - Ahmednagar for offence punishable under section 420, 465, 468, 471 read with 34 of the Indian Penal Code and under section 82 of the Registration Act.

2. Anil Ramsing Zhaveri, Sub Registrar of Pathardi Taluka, lodged a report that he is working there since 13th September, 2021. Land survey No.102/3 is situated at Mauje Pathardi, Taluka-Pathardi and out of said survey number, 0.08.75 HR land is sold vide sale deed No. 1536/2023 on 3rd May, 2023. Thereafter, it is found that said sale deed is executed by

impersonating Manthabai Vithoba Borude and the said sale deed was prepared by present applicant and hence he is required to be arrested. Seller Mathabai Borude is dead and in her place another person was presented and on the basis of fabricated Aadhar card, the sale deed is executed and registered. One Asha Mahadev Bhapkar has purchased the said property. One Somnath lodged a complaint on 14th August, 2023 that Manthabai died on 25th September, 1998. Along with the complaint death certificate was submitted. It is the further case of the prosecution that Sachin Kate and Ganesh Kale, both residents of Jeur were witnesses to the said sale deed.

3. It is the prosecution case that it is the applicant who has prepared the said sale deed.

4. Heard learned advocate for applicant and learned APP for State. Perused the papers of investigation.

5. During the course of investigation, accused Sachin Kate was arrested and he has stated that the applicant has prepared the sale deed. Learned APP has pointed out that applicant is accused in Crime No. 824 of 2023 registered with Pathardi Police Station, District – Ahmednagar for offence punishable under sections 420, 465, 468, 471 read with 34 of the Indian Penal

Code and section 82 of the Registration Act.

6. Learned advocate for applicant points out that in that offence applicant is granted anticipatory bail by this Court in ABA No. 1650 of 2023 by order dated 7th November, 2023. He further submits that merely because applicant has prepared sale deed that by itself does not mean that he is involved in the commission of offence. He had no knowledge or occasion to suspect that sale deed, which he is asked to prepare is likely to be used by accused for commission of offence.

7. Merely because applicant has prepared sale deed, which is used in the commission of offence, that by itself does not mean that applicant is involved in the alleged offence.

8. Applicant was granted interim protection and he has co-operated in the investigation. Nothing is to be recovered from applicant. Investigation appears to be almost on the verge of completion. In that view of the matter, application is allowed by confirming interim protection granted on 16th November, 2023.

[NITIN B. SURYAWANSHI]
JUDGE