

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1579 OF 2024

Parvej Gulam Kakhandkikar @ Kakhandikik

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Ritesh Thobde and Mr. Changdev S. Shingade, for Applicant.
- Mr. Prasanna P. Malshe, APP for State.
- Ms. Sanjivani Vhatte, PSI, Sadar Bazar Police Station,

CORAM : MANISH PITALE, J.

DATE : 18th JUNE, 2024.

P. C. :

1. Heard, Mr. Ritesh Thobde and Mr. Prasanna Malshe, learned APP for the State.

2. The applicant apprehends arrest in connection with First Information Report No.0249 of 2024 dated 06th April, 2024, registered at Sadar Bazar Police Station, Dist. Solapur, for the offences under Sections 420, 467, 468, 471 r/w 34 of the Indian Penal Code (IPC). The applicant is one of the five accused persons in the present FIR.

3. The informant stated before the police that the applicant and his father (accused No.1) indulged in forgery and fabrication by creating a document dated 14th June, 1990 , as a registered sale deed, whereby the applicant accused No.1 allegedly purchased immovable property from the

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father of the informant. It is alleged that the registration No.4801 of 1990 on the register of the Sub Registrar is also a forged claim made by the applicant and his father accused No.1. It is further alleged that on the basis of such a forged document, the accused No.1 in turn executed a registered sale deed on 03rd February, 2023, thereby disposing of the said immovable property in favour of the other co-accused persons. The informant has alleged that till the death of his father on 01st October, 2018, the aforesaid immovable property was consistently shown in the revenue records in the name of his father. This was on the basis of registered sale deed dated 25th April, 1990, whereby the father of the informant had purchased the said immovable property from one Babulal Meboob Fakir.

4. The learned counsel for the applicant submits that in the present case, the co-accused persons who had purchased the property as per registered sale deed dated 03rd February, 2023 have been granted anticipatory bail. He further submits that even if the allegations made in the statement leading to the registration of the FIR are to be taken into consideration, no specific role is attributed to the applicant. It is only alleged that the applicant signed as consenting party to the said registered sale deed dated 03rd February, 2023 and he was not even the vendor as per the said document. It is submitted that the allegations of forgery and fabrication pertained to a document of the year 1990 when the applicant was admittedly a minor and therefore, this Court

may favourably consider the present application. It is submitted that the applicant is ready to cooperate with the investigation and that the present case necessarily involves documents and that most of the documents are already in the custody of the investigating officer.

5. On the other hand, learned APP produced papers concerning the investigation of the present case and he particularly invited attention to the response of the office of the Sub Registrar to a query as regards entry No. 4801 of 1990, pertaining to the said purported sale deed dated 14th June, 1990, whereby the accused No.1 i.e. the father of the applicant, is alleged to have purchased the subject immovable property from the father of the informant. The Sub Registrar's office has categorically stated that there is no such entry as entry No.4801 of 1990 and no document dated 14th June, 1990 is relatable to the said entry. The learned APP submits that even if the applicant has signed the registered sale deed dated 03rd February, 2023, only as a consenting party, since the said document is based on the aforementioned bogus document dated 14th June, 1990, the involvement of the applicant is evident and that the applicant does not deserve protection from arrest in the facts and circumstances of the present case.

6. This Court has minutely examined the statement of the informant leading to registration of the FIR. It is specifically stated that

stamp-papers pertaining to the registered sale deed dated 25th April, 1990, whereby the father of the informant had purchased the subject immovable property were misused and the bogus document dated 14th June, 1990 was prepared showing it at entry No. 4801 of 1990, when no such entry is found on the record of the Sub Registrar. It is specifically alleged that the accused No.1 and the applicant conspired to create such a bogus, forged and concocted document and thereafter used the same as the basis for executing the aforesaid sale deed dated 03rd February, 2023, in favour of the co-accused persons.

7. The tenor of the statement leading to registration of the FIR shows that the allegations pertaining to the creation of the bogus, forged and concocted document do not pertain to the year 1990 and therefore, the applicant cannot take advantage of the fact that he was a minor in the year 1990. The informant has made specific allegations against both the accused No.1 as well as the applicant before this Court as regards the aforesaid bogus document dated 14th June, 1990 and it is an admitted position that this very document is the basis for execution of the subject registered sale deed dated 03rd February, 2023. The response of the office of the Sub Registrar to the effect that there is no such entry bearing No. 4801 of 1990 and there is no record of the said alleged registered sale deed dated 14th June, 1990, indicates the seriousness of the allegations made against the accused No.1 and the applicant before this Court.

8. The applicant has therefore, failed to make out a strong *prima facie* case in his favour, while contending that he was only a minor in the year 1990 and that he was merely a consenting party to the registered sale deed dated 03rd February, 2023. The document shows that the applicant is aged about 38 years and his father i.e. accused No.1 is aged about 79 years. It would be a matter for investigation as to extent of involvement of the aforesaid two accused persons and as to who could be said to be the brain behind the said nefarious activity.

9. In view of the above, this Court is of the opinion that no case is made out for granting anticipatory bail. Accordingly, the application is dismissed.

(MANISH PITALE, J.)