

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

ANTICIPATORY BAIL APPLICATION NO.754 OF 2023

1. Amit Kishor Berlekar, &
2. Raju Daulat Mane. Applicants
Versus
The State of Maharashtra Respondent

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WITH
ANTICIPATORY BAIL APPLICATION NO.1959 OF 2022

Sambhaji Gopal PatilApplicant
Versus
The State of MaharashtraRespondent

Mr. Satyavrat Joshi, Advocate i/b. Shivani S. Kondekar, for the
Applicants in ABA/754/2023.

Mr. Dheeraj Patil, Advocate i/b. Tejas Hilage, for the Applicant
in ABA/1959/2022.

Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 03rd JANUARY, 2024

P.C. :

1. Both these Applications are decided by this common order because they arise out of the same subject offence.

2. The Applicants are seeking anticipatory bail in connection with C.R. No.91/2022 registered at Gokul-Shirgaon police station, District-Kolhapur on 13.5.2022 under Sections 420, 465, 467, 468, 471 read with 34 of IPC.

3. Heard Shri Satyavrat Joshi, learned counsel for the Applicants in ABA No.754/2023, Shri Dheeraj Patil, learned counsel for the Applicant in ABA No.1959/2022 and Ms. Pallavi Dabholkar, learned APP for the Respondent-State.

4. The FIR is lodged by one Urmila Sayajirao Salunkhe. She has stated that she had purchased a plot No.21 at village Kaneriwadi admeasuring 119 sq.mtrs. She has purchased that plot through a registered document in the year

2010. Her name was entered through a Mutation Entry No.3781 in the records. She came to know that on 29.4.2019 a document purported to be a sale-deed, was registered in respect of the same plot wherein it was mentioned that the first informant had sold that plot to one Asha Patil. That document was registered at Registration No.3039/2019. While registering that document, the accused wrongly identified her and had used a forged Aadhar Card. Instead of the first informant, an impostor was made to attend the registration process. Even thereafter the same plot was sold on 15.6.2021 by the said Asha Patil to Parshuram Kamble and that sale deed was registered vide registration No.4831/2021. Thus, the informant was prejudiced by all these forged documents. The accused interfered with her legitimate right. On this basis, the FIR was lodged.

5. Learned counsel for the Applicants submitted that the Applicants were merely the witnesses. They were not the real beneficiaries. They identified the parties through their identifying documents in the nature of Aadhar Card. They had

not forged any identification documents and, therefore, they are not responsible.

6. Learned APP opposed this application and produced the investigation papers before me which contain two registered sale deeds in question.

7. I have considered these submissions and I have perused the copies of the concerned documents. The first informant was represented through an impostor in the year 2019. The sale deed was executed on 29.4.2019 and it was registered on the same day. The document shows that the Applicant Raju Mane and Sambhaji Patil have signed the registration document by stating that they were personally knowing the parties executing the document. Thus, both of them have identified the impostor as the real owner. That statement implicates them. As far as the Applicant Amit Berlekar is concerned, he has signed that document as one of the witnesses. He has not identified the parties, who had executed the document. Therefore, to that extent benefit can be given to the Applicant Amit Berlekar.

8. The other document executed in the year 2021 also bears the signature of the Applicant Sambhaji Patil whereby the same plot was sold by Asha Patil to Parshuram Kamble. Thus, his signature as an identifying witness appear on two forged documents.

9. Learned APP pointed out that the Applicant Sambhaji Patil is brother-in-law of Asha Patil, who is the main accused. The other Applicants Amit Berlekar and Raju Mane are his friends as is revealed from the investigation.

10. Considering the above discussion, at this stage, benefit can be given to the Applicant Amit Berlekar because he has not identified the executing parties, but, he has merely signed as one of the witnesses. However, as far as the other two Applicants i.e. Raju Mane and Sambhaji Patil are concerned, they have signed the documents and have identified the impostor as the real owner and, therefore, their custodial interrogation is necessary.

11. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No.91/2022 registered at Gokul-Shirgaon police station, District-Kolhapur, the Applicant Amit Berlekar is directed to be released on bail on his furnishing a PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Application for anticipatory bail preferred by other two Applicants, namely, Raju Mane and Sambhaji Patil, is rejected.
- (iii) The Applications stand disposed of accordingly.

(SARANG V. KOTWAL, J.)

Digitally signed
by
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PRAKASHRAO
DESHMANE
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2024.01.08
12:25:36 +0530

Deshmane (PS)