

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

ANTICIPATORY BAIL APPLICATION NO. 1247 OF 2024

YUGANDHARA
SHARAD
PATIL

Mohan Babu Khande

.... Applicant

Versus

The State of Maharashtra

.... Respondent

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Mr. Amey Nargolkar i/b Aishwarya B. Teli, for the applicant.
Mr. Nitin B. Patil , APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE : 6th MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R No. 882 of 2023 registered at Narayangaon Police Station, Pune, on 03/12/2023 under Sections 166, 167, 420, 467, 471, 473 r/w 34 of the Indian Penal Code.

2. Heard Mr. Amey Nargolkar, learned counsel for the Applicant and Mr. Nitin Patil, learned APP for the Respondent-State.

3. The FIR is lodged by one Dhananjay Khande. The present Applicant is a close relative of the informant. The allegations are pertaining to one open space admeasuring 80 ft x 10 ft. According to the first informant, this particular portion was not included in City Survey No. 1789-A which belonged to the present Applicant but he added that particular portion to his property by relying on the no objection certificate dated 03/02/2001 issued by the then village Development Officer of Narayangaon Gram panchayat. According to the first informant, this particular document is a forged document. It is further alleged that the Deputy Superintendent of City Survey Office, Junnar, had passed an order in favour of the Applicant without giving notice to the informant. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the portion of the land admeasuring 80 ft. x 10 ft. referred to in the FIR was a road and it was never in the possession of the present Applicant. In fact, this was added to his property through a misunderstanding. The Applicant has taken corrective steps by

approaching the concerned authority by clearly mentioning that this particular portion should not be included in his property at City Survey No. 1789-A. Learned counsel for the Applicant relied on a copy of the no objection letter dated 26/04/2024. He submitted that the Applicant never had any intention to deprive the informant and his family members from ownership and possession of their property.

5. Learned APP opposed these submissions. According to him, the subsequent conduct of the Applicant will not wipe off the offence committed by him from the year 2001. Only after the FIR was registered, the Applicant had taken steps to give his no objection for correcting the record. This does not mean that the Applicant has not committed any offence. He submitted that the offence also pertains to forgery of the letter dated 03/02/2001 and it needs to be investigated.

6. I have considered these submissions. As of today, the Applicant has given his no objection to correct the record, so that

the informant and his family members do not suffer any loss. This is a factor which I have taken into account. Apart from that, the concerned document is available for investigation. Correction of revenue record can be carried out by following the due procedure of law. As far as custodial interrogation of the Applicant is concerned, considering the stand taken by him today, even though after registration of the FIR, the informant as of today is protected by the corrective steps taken by the Applicant. Therefore, in this connection, custodial interrogation of the Applicant will not serve any purpose. The investigating agency can continue their investigation, regarding that particular letter and other relevant aspects.

7. In this view of the matter, the Applicant can be protected with directions to cooperate with the investigation. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R No. 882 of 2023 registered at Narayangaon Police Station, Pune, the Applicant is directed to

be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall attend the concerned Police Station on 15th 16th and 17th May 2024, between 01.00 p.m. to 05.00 p.m. and thereafter as and when called. The Applicant shall cooperate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)