

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

ANTICIPATORY BAIL APPLICATION NO.12 OF 2024

Mangesh Nivrutti Hole	Applicant
Versus	
The State of Maharashtra	Respondent

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WITH

ANTICIPATORY BAIL APPLICATION NO.17 OF 2024

Ramesh Gulab Khandebharad	Applicant
Versus	
The State of Maharashtra	Respondent

Mr. Karansingh Rajput, Advocate a/w. Fauzan shaikh for the Applicant in ABA/17/2024.

Mr. Rohan Hogle, Advocate for the Applicant in ABA/12/2024.

Ms. Mahalakshmi Ganapathy, APP for the Respondent-State in ABA/12/2024.

Ms. Sharmila S. Kaushik, APP for the Respondent-State in ABA/17/2024.

Mr. Arjun B. Kadam, Advocate a/w. Sudhanva S. Bedekar,
Advocate for the Intervener/Informant.

CORAM : SARANG V. KOTWAL, J.

DATE : 08th JANUARY, 2024

P.C. :

1. In both these applications, a common order is passed today because they arise out of the same FIR.

2. The Applicants are seeking anticipatory bail in connection with C.R.No.687/2023 registered with Khed Police Station, District-Pune on 30.8.2023 under Sections 420, 431, 447, 464, 465, 468, 467, 471 read with 34 of IPC.

3. Heard Shri Karansingh Rajput, learned counsel for the Applicant in ABA/17/2024, Shri Rohan Hogle, learned counsel for the Applicant in ABA/12/2024, Ms. Mahalakshmi Ganapathy, learned APP for the Respondent-State in ABA/12/2024, Ms. Sharmila Kaushik, learned APP for the Respondent-State in ABA/17/2024 and Shri Arjun Kadam, learned counsel for the Intervener/Informant.

4. Learned counsel for the first informant appears and states that he has instructions to appear for the first informant. Considering the nature of the dispute and considering that the exact boundary of the plots owned by both the parties is the central issue, learned counsel for the Applicants are directed to add the first informant as a party Respondent in both these Applications. Amendment shall be carried out forthwith.

5. The gist of the FIR is that the informant's family was owning a land at village Holewadi, Taluka-Khed, District-Pune. For the sake of convenience, the survey numbers are mentioned as 'old Survey Numbers'. It is the case of the informant that his joint family owns the land as old Survey Nos.1899 & 1900. The dispute is about the exact location of the old Survey No.1985. There are certain maps where the said land at old Survey No.1985 is shown at a distant place from the land at old Survey No.1898. The accused purchased the land at old Survey No.1898 and 1985 from one Atul Bhide on 1.8.2009. It is the case of the first

informant that the accused Gorakh and Ramesh in collusion with each other and in collusion with the other accused including the Applicant Mangesh, created a false record showing that the land at old Survey No.1985 was abutting the land old Survey No.1898. Plotting was done on the consolidated land. The accused encroached upon the informant's family's lands. This caused loss not only to the first informant's joint family owners but to the Government as well. On this basis, the FIR is lodged.

6. Learned counsel for the Applicant submitted that the old record since prior to 1947 shows that the old Survey No.1985 and 1898 were adjacent to each other. Only in the year 1976 when the fresh measurement was carried out when then new survey numbers were given, there are some mistakes and those two plots were shown at distant places. This has occurred because of the re-numbering of the plots. He submitted that there is nothing wrong with the plotting and sale of those plots to different people.

7. Learned counsel for the intervener-first

informant submitted that the accused Gorakh and Ramesh have encroached on their land which they are mentioning as the land with old Survey No.1985. They have misused the fresh record and a few maps prepared subsequently. Thus, they have caused heavy losses to the first informant's family. However, he conceded that till today no Civil Suit is filed to seek remedy of injunction and declaration.

8. Learned APP, on instructions, submitted that the investigating agency is in the process of visiting the spot, preparing the fresh maps and recording statements of the revenue authorities. She is seeking time.

9. Considering these submissions, today I am adjourning the matters. However, till the next date, the Applicants can be protected by way of ad-interim relief.

10. Hence, the following order:

ORDER

- (i) In the event of their arrest in connection with C.R.No.687/2023 registered with Khed Police Station,

District-Pune, till the next date, the Applicants be released on bail on their executing P.R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.

- (ii) This order shall operate till 20.2.2024.
- (iii) The informant is at liberty to file affidavit-in-reply. Learned APP shall also filed affidavit-in-reply.
- (iv) The Applicants shall attend the concerned Police Station on 22.1.2024, 23.1.2024 and 24.1.2024 between 1:00 p.m. to 4:00 p.m. and thereafter as and when called. The Applicants shall cooperate with the investigation.
- (v) Stand over to 20.2.2024.

(SARANG V. KOTWAL, J.)