

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1318 OF 2024

Sanjay Laxman Tak ... Applicant
Vs.
State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.1316 OF 2024

Mahesh Pralhad Bhogwade ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Juzer Udaipuri a/w. Mr. Sarvagnya P. Trivedi, Mr. Aditya Bharat Manubarwala and Mr. Sandeep Hirvadekar for Applicants.

Ms. Rutuja A. Ambekar, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : JUNE 11, 2024

P.C. :

. The applicants before this Court are arrayed as accused persons in a FIR registered on 27.03.2024 in police station Dighi Sagri, District Raigad for the offences registered under Sections 419, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 (IPC).

2. The allegation against the applicants is that they conspired in impersonating one Ramkumar Brahmadutt Agarwal and caused execution of a registered sale deed in respect of an immovable property. The applicant - Mahesh Pralhad Bhogwade was the purchaser under the said transaction and the applicant - Sanjay Laxman Tak was one of the witnesses to the said registered document and transaction.

3. It is the case of the applicants that all necessary precautions and steps were taken to ascertain the identity of the said Ramkumar

Brahmadutt Agarwal when the aforesaid registered document was executed. In this context, attention of this Court was invited to copy of PAN card purportedly of the said Ramkumar Brahmadutt Agarwal.

4. The learned counsel appearing for the applicant submits that there is hardly any material to indicate that the informant, whose statement has led to registration of the FIR, himself is the said Ramkumar Brahmadutt Agarwal. It is further submitted that the applicants are ready to co-operate with the investigation and no case is made out for custodial interrogation of the applicants.

5. On the other hand, learned APP submitted that this is a serious matter involving impersonation and execution of a registered document on that basis, concerning an immovable property. It is submitted that the investigation, at this stage, would be stalled if the present applications are favourably considered, simply for the reason that the investigating authority needs to go deep into the matter to find out as to the manner in which the conspiracy was hatched by the applicants and co-accused persons while committing the aforesaid offence. It is further brought to the notice of this Court that there are as many as six accused persons, including the applicants before this Court and none of them could be taken into custody. Two of the co-accused persons had applied for anticipatory bail before this Court. They withdrew the applications when they were taken up for consideration before Court.

6. Having considered the material on record, this Court is of the opinion that the allegations made in the present case against the accused persons are serious. It is a case of impersonation, leading to execution of a registered document in respect of an immovable property. Merely by relying upon photocopy of a purported PAN card, the applicants cannot claim that a *prima facie* case of their innocence is made out. It is only after proper investigation by the police that the real facts are likely to

emerge including the documents that form the basis for the accused persons in carrying out the said transaction.

7. The tenor of arguments made on behalf of the applicants appears to be that the onus is on the police to find out as to who is the genuine Ramkumar Brahmadutt Agarwal. Such contentions cannot be considered at this stage when the investigation is still underway and none of the accused persons could be taken into custody by the police, if so required.

8. In view of the above, the applications are dismissed.

(MANISH PITALE, J.)

Minal Parab