



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

ANTICIPATORY BAIL APPLICATION NO.2088 OF 2024

Jamir Appalal Sayyed	...	Applicant
versus		
State of Maharashtra	...	Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2089 OF 2024**

Soyal Harun Mulla	...	Applicant
versus		
State of Maharashtra	...	Respondent

Mr. Makarand Kale with Mr. Abhay A. Jadhavar, for Applicants.
Mrs. Mahalaxmi Ganapathy, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 28 AUGUST 2024

P.C.

1. Heard the learned Counsel for the parties.
2. These applications for pre-arrest bail are in connection with C.R.No.340 of 2021 registered with Khadak Police Station for the offences punishable under Sections 120B, 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860.
3. Popat Pandurang Shitkal (A1) claimed that a land bearing Survey No.62 at Hadapsar, was his ancestral property. The said

land was allotted on Annual lease basis (Ek Sali). In the year 1970, the annual lease came to be terminated. Popat (A1), however, asserted that he and his family members initiated proceedings to establish their proprietary rights over the said land.

4. On 5 April 2021, an application was received in the office of Tahasildar, Haveli, to mutate the names of Popat (A1) and seven other persons to the subject land. The order purportedly passed by the Minister (Revenue) in proceedings No.S-30/3414/W P.N. 5768/14/Pra.Kra. 16/J-5 dated 31 January 2018, was annexed to the said application. It transpired that the said order furnished by Popat (A1) was forged and fabricated. In fact, by the order passed by the Minister (Revenue) on 31 January 2018 in the said proceedings, the application preferred by Popat (A1) and his family members for allotment of the subject land for agricultural purposes came to be rejected. Thus, Ms. Trupti V. Kolte, the then Tahasildar, lodged FIR.

5. Popat (A1) came to be arrested. During the course of investigation, it transpired that Jamir – Applicant in ABA No.2088

of 2024 and Soyai - Applicant in ABA No.2089 of 2024, were involved in obtaining the signature on the forged and fabricated orders. The applicant Soyai had also kept Popat (A1) in hiding after the application for pre-arrest bail of Popat (A1) came to be rejected.

6. Learned Counsel for the Applicants submitted that the applicants had no role in the alleged forgery of the order purported to be passed by the Minister (Revenue). In fact, the applicants were not in the frame when the said order was allegedly passed in the year 2018. The applicants are engaged in the business of real estate development. The applicants had entered into transactions with the co-accused Popat (A1) in the year 2022.

7. Learned Counsel for the Applicants further submitted that pursuant to the interim protection granted by the Court, the applicants have appeared before the Investigating Officer and co-operated with the investigation. Thus, the custodial interrogation of the applicants is not warranted. Therefore, the applicants deserve to be enlarged on pre-arrest bail.

8. Mrs. Ganapathy, learned APP, resisted the prayer for bail.

Attention of the Court was invited to an order dated 13 July 2022 passed in the case of Popat (A1) whereby the prayer for pre-arrest bail was rejected by the Court. It was submitted that the allegations against the applicants and the co-accused are of grave nature. The forged order purportedly passed by the Minister (Revenue) was sought to be pressed into service to usurp the forest land. Attention of the Court was invited to the statements of the witnesses Santosh A. Sulaskar and Akshay M. Dorge, which throw light on the role played by the applicants in preparing the false documents. Therefore, the applicants do not deserve pre-arrest bail.

9. Evidently, the fraud is of egregious nature. There is a strong prima facie material to show that the authorities were sought to be deceived into believing that an order was passed in favour of Popat (A1) and other claimants, though the application was rejected by the Minister (Revenue). False and forged order purportedly passed in a quasi-judicial proceedings was attempted to be used as genuine.

10. I find substance in the submission of the learned APP that the

allegations are of grave nature. The custodial interrogation of the applicants is warranted to unearth the fraud in all its facets and unmask the identity of the persons who were privy to the said fraud.

11. The statements of Santosh A. Sulaskar and Akshay M. Dorge, prima facie, indicate that the applicants and the other co-accused Rakesh, Rahul and Aakash had conspired to have a forged order of the Minister (Revenue). It is true that the witnesses have attributed the source of their information to the statements made by Popat (A1). However, at this stage, the said material is sufficient to prima facie demonstrate the involvement of the applicants in the alleged offences.

12. I am, therefore, not inclined to exercise the discretion in favour of the applicants as the release of the applicants on pre-arrest bail would jeopardise the cause of effective investigation in serious offences.

13. Hence, the following order :

ORDER

- (i) The Applications stand rejected.

(ii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for pre-arrest bail only.

(N.J.JAMADAR, J.)