

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

ANTICIPATORY BAIL APPLICATION NO. 2258 OF 2024

1. Santosh Punjaji Jadhav
 2. Harshad Mahesh Solapurkar
- ...Applicants

Versus

The State of Maharashtra

...Respondent

- Mr. Vivekanand Vinod Krishnan a/w Mr. Nishant Manoj Bardiya and Mr. Rishab Tiwari, for Applicant.
- Mr. Sagar R. Agarkar, APP for Respondent.
- Mr. Dattatray M. Dhindale, Police Constable, Ambad Police Station.

CORAM : MANISH PITALE, J.

DATE : 30th August, 2024.

P. C. :

1. Heard, Mr. Krishnan, learned counsel appearing for the applicants and Mr. Agarkar, learned APP for the State.

2. The applicants are apprehending arrest in connection with First Information Report No.0455 of 2024, dated 08.07.2024, registered at Police Station Ambad, District Nashik, for offences under Sections 61(2)(a), 336(2), 336(3), 340(2), 318(4) and 62 of the Bhartiya Nyaya Sanhita, 2023 (BNS).

3. The allegation made against the applicants is that they signed as witnesses and identified the parties in respect of a proposed sale deed to be registered at the office of the Sub Registrar. It is alleged that co-accused Kalidas Parmar impersonated the original vendor Gopal Krushna Nair in

conspiracy with other accused persons and sale deed in respect of immovable property was about to be registered when the Sub Registrar i.e. the informant suspected that the vendor was being impersonated. The police was called and thereafter, the FIR was registered.

4. The learned counsel for the applicants submits that, at worst, they had merely signed the document and since they have no criminal antecedents, the limited role ascribed to them in the FIR itself would indicate that they deserve to be granted anticipatory bail. It is emphasized that the tenor of the statement of the informant, leading to registration of the FIR, would show that the aforesaid activity was undertaken at the behest of co-accused Ravi Donde and since the said accused and the person, who allegedly impersonated the original vendor was also granted regular bail, this Court may consider granting the relief to the applicants.

5. On the other hand, the learned APP has opposed the prayer made in the present application. He has produced the original document, which was proposed to be registered as sale deed on the basis of impersonation of the original vendor. He submits that role of the applicants is clear from the said document, read with the statement of the informant. The material that has come on record during the course of investigation shows that the applicants were present at the time when such document was sought to be

fraudulently registered. On this basis, it is submitted that no relief may be granted.

6. This Court has perused the original document, which *prima facie* appears to be carrying the signatures of the applicants as witnesses to the said document. The material on record *prima facie* does indicate that the co-accused person Kalidas Parmar was impersonating the original vendor and that the signatures of the witnesses i.e. the applicants show that they identified the parties. The co-accused person Ravi Donde allegedly prepared forged Aadhar Card of co-accused Kalidas Parmar to show as if he was the original vendor. It was when the informant i.e. the Sub Registrar developed suspicion because of the Gujarati accent of co-accused Parmar that he could not be the original vendor Gopal Krushna Nair, that the police was called and eventually the FIR was registered.

7. In the present case, the role ascribed to applicants *prima facie* appears to be crucial, as they had signed as witnesses, indicating that they identified the parties to the said document. The present case being a case of impersonation, involvement of the applicants *prima facie* appears to be made out for the reason that even the statement of the informant records that the applicants signed as witnesses, identifying the parties and that they themselves had produced their identity documents.

8. No case is made out for granting anticipatory bail. The application is dismissed.

(MANISH PITALE, J.)