

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2687 OF 2024**

Hemant Sadashiv Ghatage	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Vaibhav Gaikwad for applicant.

Mr. Kiran C. Shinde, APP for respondent-State.

**CORAM : MANISH PITALE, J.
DATE : 04th OCTOBER, 2024**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0083 of 2024 dated 04.03.2024, registered at Waduj Police Station, District Satara, for offences under Sections 420, 465, 467, 468 and 471 read with Section 34 of the Indian Penal Code, 1860.

3. The grievance of the informant in brief is that while he had executed a sale deed for a land admeasuring 1 hectare in favour of the named accused persons, a document was subsequently got executed from him on a misrepresentation given by the said accused. The allegation is that the accused gave an impression to the informant that he was required to come to the Registrar's office to sign as witness on a document, which was nothing but a correction deed in order to convert the aforesaid sale deed executed by him in favour of the accused persons, into a gift deed without any

consideration. It is the case of the informant that by doing so, the named accused persons caused execution of a forged and fabricated document and further that he was cheated.

4. The learned counsel for the applicant submitted that the applicant is not named as an accused in the FIR. His name is subsequently added, only on the basis that he was the stamp vendor from whom stamp papers were purchased on which the subject document was executed. It is submitted that the applicant has nothing to do with the alleged misrepresentation given by the accused persons to the informant. It is submitted that the applicant is ready to co-operate with the investigation and therefore, this Court may allow the present application.

5. The learned APP has opposed the application. He relies on a subsequent statement dated 07.03.2024 given by the informant, wherein he has stated that the applicant, as a stamp vendor, had drafted the document in question and therefore, he is equally liable alongwith the named accused persons.

6. This Court has considered the statement of the informant, leading to registration of FIR dated 04.03.2024, as also the subsequent statement dated 07.03.2024 recorded during the course of investigation.

7. The thrust of the statement which led to registration of FIR pertains to the act of the named accused persons in misrepresenting to the informant that he was signing as a witness on a document and instead, taking his signatures on the subject document styled as a correction deed, to convert the sale deed executed by the informant earlier in point of time, into a gift

deed in the name of the accused persons.

8. In the subsequent statement dated 07.03.2024, the informant has simply stated that according to him, the applicant, as a stamp vendor, had drafted the said document and therefore, he is also equally liable. This Court is of the opinion that even if the subsequent statement dated 07.03.2024 is to be taken into consideration, *prima facie* it is difficult to accept that the applicant can be said to be a part of the conspiracy to dupe the informant, even if the applicant had drafted the subject document. Such drafting would necessarily have to be on the instructions of the named accused persons. There is no allegation against the applicant that he also gave wrong impression to the informant about the nature of document that was drafted. Therefore, the only role, at this stage, that can be attributed to the applicant is that he, as a stamp vendor, sold the stamp papers on which the subject document was eventually registered. A strong *prima facie* case is made out by the applicant to claim that no criminality can be alleged against him in the facts and circumstances of the present case and in the light of the material presently available on record.

9. Hence, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0083 of 2024 dated 04.03.2024, registered at Waduj Police Station, District Satara, he shall be released on bail on furnishing PR Bond of ₹ 15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- (ii) The applicant shall remain present before the Investigating Officer as and when required.

- (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case;
- (iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

10. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

11. It is also clarified that the observations made in this order are limited to the disposal of the present application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

12. The application stands disposed of.

(MANISH PITALE, J)

Priya Kambli