

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

ANTICIPATORY BAIL APPLICATION NO. 2824 OF 2024

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| 1. | Sachin Sunil Jaypatre | | |
| 2. | Sunil Chandar Jaypatre | | |
| 3. | Channdar Sawala Jaypatre | | ...Applicants |

Versus

The State of Maharashtra		...Respondent
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- Ms. Neha Ramesh Kokare, for Applicant.
- Mr. Balraj B. Kulkarni, APP for Respondent.
- Mr. Ghansham S. Jadhav, for the first informant.
- Mr. Bhagwan P. Dhughe, Police Inspector, Pune Rural Police Station.

CORAM : MANISH PITALE, J.

DATE : 22nd OCTOBER, 2024.

P. C. :

1. Heard, Mr. Kokare, learned counsel for the applicants and Mr. Kulkarni, learned APP for the respondent-State, as also Mr. Jadhav, learned counsel having instructions to appear on behalf of the first informant.

2. The applicants are apprehending arrest in connection with First Information Report No.0614 of 2024, dated 07.08.2024, registered at Police Station Baramati City, District Pune, for offences under Sections 3(5), 318(4), 336(3) and 338 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The FIR was registered on the statement of the first informant, who claimed that on 14.07.2024, an incident occurred wherein the three accused persons abused the informant and turned him away from a particular

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piece of of land in which the informant claims rights. It is further stated that the accused persons submitted an application before the Tehsildar on 09.06.2011, wherein certain family members of the first informant, who were dead, were shown as alive and their thumb impressions were affixed. It is claimed that on the basis of the said representation made before the Tehsildar, adverse consequences followed as regards the rights in the agricultural lands. On this basis, the aforesaid offences concerning cheating and forgery have been registered against the applicants.

4. The learned counsel for the applicants, at the outset, submits that the applicant No.3 is a 95 years old person, whose health is failing and therefore, on this ground itself, anticipatory bail may be granted to the said applicant. As regards the role of the applicants in the context of the allegations made in the statement, leading to registration of the FIR, it is submitted that the informant and the applicants are related to each other, as they belong to the same family. There has been long standing dispute concerning agricultural lands between the parties and this is evident from a suit filed by the first informant along with others in the year 2019 before the Competent Civil Court at Baramati, raising a grievance about alleged encroachments made by the defendants. The applicant No.3 is defendant No.3 in the said suit. Reference is also made to certain proceedings initiated before Tehsildar and Sub Divisional Officer, concerning such disputes pertaining to agricultural

lands.

5. By referring to the said documents, the learned counsel for the applicant submits that civil disputes between the parties are now sought to be given the colour of the criminality by the first informant. The applicants are ready to cooperate with the investigation and therefore, this Court may consider allowing the application.

6. On the other hand, the learned APP as well as the learned counsel appearing for the first informant, submit that there are sufficient documents to indicate the nature of forgery indulged in by the applicants, thereby indicating that they do not deserve any indulgence from this Court. The learned APP specifically referred to copy of the purported application dated 09.06.2011 submitted by the applicants before the Tehsildar regarding mutation entries, wherein thumb impressions of certain dead persons were said to have been affixed. It is submitted that such material clearly indicates that the applicants were directly involved in the act of forgery, with the intention of cheating the first informant.

7. This Court has perused the documents filed along with the application as well as the documents brought to the notice of this Court by the learned APP. The documents filed along with the application indeed show that there is a civil suit pending between the parties, as also proceedings

initiated before the Revenue Authorities with regard to long standing disputes concerning agricultural lands. The first informant and the applicants belong to different branches of the same family and it appears that such disputes have been festering for quite some time. A perusal of the plaint concerning the aforementioned suit filed in the year 2019 shows that the same pertains to alleged encroachments. The revenue proceedings also concern such allegations leveled by the first informant and others against the applicants.

8. In this backdrop, it is hard to believe that the first informant came to know about alleged forgery committed on 09.06.2011, only in the year 2024 for approaching police on 07.08.2024. A perusal of the statement, leading to registration of the FIR, shows that an incident occurred on 14.07.2024, wherein the applicants allegedly abused the first informant and drove him away from a particular piece of land. There is nothing on record to show as to whether on the basis of any enquiries conducted by the first informant, he came to know about the alleged forgery committed on 09.06.2011 and if so at what point in time did the first informant become aware of such alleged act of forgery. In the absence of any such material, it appears that the for an alleged act of forgery committed as far back as on 09.06.2011, the first informant has approached the police after more than 13 years on 07.08.2024. *Prima facie*, the FIR appears to be delayed.

9. Even otherwise, a perusal of the investigation papers shows that the subject application dated 09.06.2011, wherein forgery was allegedly committed shows that the applicant therein is recorded as applicant No.3 in this application. But, the said application is said to have been signed by the applicant No.2 herein. The document does not show the role of the applicant No.1 at all. There is nothing to show that the aforesaid application resulted in any order passed by the Thesildar. These circumstances coupled with the long standing family disputes between the parties and the pendency of the civil suit as well as revenue proceedings, does indicate a *prima facie* case in favour of the applicants for granting relief in the present application.

10. In any case, the applicant No.3 is a senior citizen aged about 95 years, whose health is failing and therefore, there is no question of this Court directing the said applicant to appear before the Investigating Officer. The applicant Nos.1 and 2 have undertaken to cooperate with the investigation and to appear before the Investigating Officer. In such circumstances, the application deserves to be granted.

11. In view of the above, the application is allowed in the following terms:

- (A) In the event the applicants are arrested in connection with FIR Nos.0614 of 2024, dated 07.08.2024, registered at Police Station Baramati City, District Pune, they shall be

released on bail, on furnishing PR Bonds of ₹ 15,000/- each with one or two sureties each in the like amount, to the satisfaction of the Trial Court.

- (B) The applicant Nos.1 and 2 - Sachin Sunil Jaypatre and Sunil Chandar Jaypatre, shall remain present before the Investigating Officer on 24th October, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
- (C) The applicants shall cooperate with the investigation.
- (D) The applicants shall not tamper with the evidence in any manner. They shall not influence the informant, witnesses or any other persons concerned with the case.

12. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail.

13. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

14. The application is disposed of.

(MANISH PITALE, J.)