

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

ANTICIPATORY BAIL APPLICATION NO. 2881 OF 2024

Raghunath Abaji Lende

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Ashok Mundargi, Senior Advocate i/b Mr. Raviraj Paramane and Mr. Sudhir Kokate for Applicant.
- Ms. R.V. Newton, APP for Respondent.
- PSI, R. K. Shinde, Junnar Police Station

CORAM : MANISH PITALE, J.

DATE : 24th OCTOBER, 2024.

P. C. :

1. Heard Mr. Mundargi, learned senior counsel for the applicant and Ms. Newton, learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with First Information Report No.0298 of 2024, dated 13.09.2024, registered at Police Station Junnar, District Pune, for offences under Sections 409, 420, 465, 467, 468, 471 and 120-B read with Section 34 of the Indian Penal Code, 1860 (IPC).
3. The applicant is one of the accused persons in this FIR, wherein 9 persons have been arraigned as accused.
4. The informant is the Range Forest Officer of Junnar, District

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Pune and the allegation is that the accused persons, with common intention, committed an act of forgery, thereby showing reserved forest lands as having been released from such classification, in order to execute a registered sale deed and a registered agreement to sale. It is claimed that by doing so, the accused persons have cheated the Government and the Forest Department. It is alleged that certain documents were presented before the Sub Registrar during the registration of the sale deed and agreement to sale, which were forged and fabricated. Upon enquiries it came to light that the documents placed before the Sub Registrar purporting to be those from the Gazette of the relevant year showing that the subject lands ceased to be reserved forest, were forged and fabricated, for the reason that the actual documents in the said Gazettes had nothing to do with exercise of power by the Competent Authority to delete such lands from the category of reserved forest. If proper procedure was to be followed for sale of the subject lands forming part of reserved forest, the accused persons involved in the transaction would necessarily have to seek permission from the Competent Authorities. Having not done so and by presenting such forged and fabricated documents, according to the informant, led to registration of the aforesaid FIR.

5. The learned senior counsel appearing for the applicant invited attention of this Court to various documents filed alongwith the application and he further referred to recent certified copies obtained from the Directorate

of Archives, Mumbai, to submit that the documents presented before the Sub Registrar were indeed corresponding to the documents available with the Directorate of Archives and that therefore, the allegation of forgery or fabrication does not hold good. It is submitted that the investigating authority is proceeding on the basis of certain documents obtained from the office of the Directorate of Archives, at Pune, which apparently show a different set of documents, as part of the said Gazette for the year 1918. Even if such documents were provided by the Pune office of the Directorate of Archives, it cannot *ipso facto* lead to a conclusion that the applicant has indulged in any forgery or fabrication. The certified copies of the relevant documents issued by the Directorate of Archives, Mumbai, dated 23.10.2024, are taken on record and marked “X” for identification.

6. It is submitted that the applicant is a *bona fide* purchaser for value of the subject land, having paid valuable consideration of about ₹ 1.95 Crores. The original owners of the lands have been granted anticipatory bail by the Sessions Court. The concerned officer of the office of the Sub Registrar was granted anticipatory bail by this Court and therefore, the applicant being the purchaser also deserves similar relief in the facts and circumstances of the present case.

7. On the other hand, the learned APP relies upon certain

documents that have come to light during the course of investigation and it is submitted that the said documents clearly show that the accused persons, including the applicant, indulged in forgery and fabrication, so as to illegally deal with the land, which is even now specified as reserved forest. The documents available during the course of investigation do makes out a *prima facie* case against the applicant.

8. This Court has carefully perused the statement, leading to registration of the FIR. In the first place, there appear to be some errors in recording the dates of the documents in respect of which allegation of forgery and fabrication is made. While the documents being relied upon even by the learned APP show that the subject documents are dated 20.03.1918 and 12.07.1938, the FIR records the documents as notifications dated 21.03.1918 and 14.07.1938. Apart from this, the applicant has placed on record certified copies obtained from the office of the Directorate of Archives, Mumbai showing that as recently as yesterday, the said office has issued certified copies of document dated 20.03.1918, which is identical with the documents on the basis of which, the registered documents were got executed before the office of the Sub Registrar. *Prima facie*, this shows that the documents relied upon by the applicant alongwith the co-accused owners of the land, showing that the subject lands ceased to be reserved forest, are very much forming part of the official record of the Directorate of Archives, Mumbai.

9. Although the learned APP has invited attention of this Court to documents bearing the said date showing that the said documents are different from those relied upon by the applicant, further material will have to be placed before this Court, to indicate as to what is the basis for alleging forgery and fabrication.

10. It is to be noted that the applicant having parted with huge amount of ₹ 1.95 Cores, as valuable consideration for the subject land, it is not even alleged that there is under valuation during the course of execution of the said document. In this situation, it would be appropriate to grant interim relief to the applicant, as he has undertaken to cooperate with the investigation. It is relevant factor that the original owners have been already granted anticipatory bail by the Sessions Court. The concerned official of the office of the Sub Registrar was granted anticipatory bail by this Court.

11. In view of the above, there shall be interim order in the following terms :

- (A) Till the next date, in the event the applicant is arrested in connection with FIR No.0298 of 2024, dated 13.09.2024, registered at Police Station Junnar, District Pune, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount.

(B) The applicant shall remain present before the Investigating Officer on 28th October, 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

(C) 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.

12. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

13. Needless to say, observations made in the present order are limited to considering the question of granting interim relief in the present application.

14. List this application for further consideration on **03rd December, 2024, “High on Board.”**

(MANISH PITALE, J.)