

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1770 OF 2024

Walmik Navnath Salunke ... Applicant
Vs.
State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.3018 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.1770 OF 2024

Mr. Ashok Mundargi, senior counsel a/w Ms. Swarali Joglekar for Applicant

Mr. Mayur S. Sonavane, APP for Respondent-State.

Mr. Sagar Kasar a/w Ms. Chaitali Bhogle and Mr. Rishabh Tiwari for Intervenor.

Mr. Ganesh Jaisingh Dhamane, API, Chaturshruji Police Station.

CORAM : MANISH PITALE, J.

DATE : NOVEMBER 18, 2024

P.C. :

. Heard Mr. Mundargi, learned counsel for the applicant, Mr. sonavane, learned counsel for the State and Mr. Kasar, learned counsel appearing for the intervenors (original owners of land).

2. On 10.07.2024, this Court recorded detailed reasons while granting interim protection from arrest to the applicant. While granting such interim relief, this Court had directed the applicant to remain present before the investigating officer on specific dates and to cooperate with the investigation.

3. Learned APP, on instructions, submits that the applicant has indeed cooperated with the investigation and he did appear before the investigating officer as directed.

4. Learned counsel appearing for the invervenors has opposed the

present application and he relies upon two statements of advocates recorded during the course of the investigation. He submits that the aforesaid statements bring out the role of the applicant as he is a beneficiary under the transaction in question and there is ample material to indicate his role in preparation of the forged document i.e. permission for non-agricultural use of the subject land.

5. This Court has considered the rival submissions. After recording the facts leading to registration of the FIR, while granting interim relief, this Court in the order dated 10.07.2024 observed as follows:

“12. The material brought to the notice of this Court on behalf of the applicant and the rival submissions indicate that as of today, there is dispute between the Naidu brothers and the applicant. The aforesaid civil suit is pending and the order dismissing the application for temporary injunction is challenged by the Naidu brothers before the Competent Court.

13. In view of the the facts of the present case, it can be said that

the applicant is indeed the beneficiary of the order dated 8th August 2023, granting non-agricultural permission for the reason that the registered sale deed dated 9th August 2023 has been executed, inter alia, on the basis of the said order.

14. If such a purported forged order was a singular instance, it would have been a different matter, but the material on record brought to the notice of this Court shows that there has been a spate of such forged orders of non agricultural permission on the basis of which registered sale deeds have been executed in the said Tehsil. The document dated 1st December 2023, taken on record today and marked “X” for identification, indicates the numerous occasions on which such forged documents purportedly issued by the office of the Tehsildar have been used in executing registered documents and this information has been forwarded by the office of the Tehsildar to the Office of the Sub-registrar Pune.

15. The complaint dated 18th February 2024, submitted by the applicant refers to the role of an advocate, allegedly recommended by the Naidu Brothers who assured the applicant that the sale deed could be executed as the order of non-agricultural permission pertaining to the subject land had been obtained from the Tehsildar.

16. Although in the transaction in question the applicant is certainly the beneficiary of the registered sale deed, there

appears to be more than meets the eye at this stage. The applicant is ready to cooperate with the investigation, therefore this Court is inclined to grant interim relief in this application.”

6. Having heard the learned counsel for the parties, this Court is convinced that the above quoted reasons hold good for allowing the application itself, particularly because the applicant has cooperated with the investigation.

7. The emphasis placed on two statements of advocates recorded during the course of investigation, on behalf of the intervenors, cannot lead to dismissal of the present application, simply because the aforesaid statements do not *prima facie* link the applicant with the forged document and the statements also do not show that the applicant relied upon the purported forged document during the course of execution of the sale deed.

8. In view of the above, the interim order dated 10.07.2024 is made absolute and the application is allowed, subject to the applicant continuing to cooperate with the investigation. He shall not tamper with the evidence in any manner and he shall not influence the informant, witnesses or any other persons concerned with the case.

9. In view of the disposal of the anticipatory bail application, the intervention application is also disposed of.

(MANISH PITALE, J.)

Ajit Pathrikar