



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.231 OF 2024

(Sunil Punjaji Ingle and anr. Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.V. Rai, Advocate for the applicants.
Ms R.V. Sharma, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 30, 2024.

Apprehending the arrest at the hands of police, in connection with Crime No.67/2024 registered with Police Station Khamgaon, District Buldhana for the offences punishable under Sections 409, 420, 468 and 471 read with Section 34 of the Indian Penal Code, the applicants approached to this Court for grant of anticipatory bail.

2. Learned Counsel for the applicant submitted that since long on the basis of the resolution passed by the Gram-panchayat, applicant No.1 is in possession of Gat No.358 situated at Shelodi, District Buldhana. He further submitted that said property is transferred by him to applicant No.2 by executing the Gift Deed. In view of the resolution passed by the Gram-panchayat, present applicant No.1 became the owner of the said landed property, and therefore, he has executed the Gift Deed. Now, with the false allegation this FIR is lodged against him. As far as the custodial interrogation is concerned

which is not required as entire case is based upon the documentary evidence and prays for releasing applicant No.1 on anticipatory bail.

3. Learned Additional Public Prosecutor strongly opposed the application on the ground that initially Gat No.358 was shown to be owned by the Government. Subsequently, present applicant No.1 has prepared the forged Malmatta Patrak and shown Gram-panchayat property No.358 in his name. She submitted that present applicant No.1 has gifted the government property to applicant No.2 on the basis of forged document. The custodial interrogation of the present applicants is required. She further submitted that in the present crime, the Sarpanch of the Gram-panchayat is also one of the co-accused. Thus, investigation is carried out it reveals that with the assistance of the Sarpanch of the Gram-panchayat present applicant No.1 has prepared the forged document, transferred the said land in his name and gifted the said property to his son. Thus, *prima facie* case is made out against applicant No.1, and therefore, his application for grant of anticipatory bail deserves to be rejected.

4. I have heard learned Counsel for both the parties. Perused the investigation papers. As per the allegation, the land Gat No.358 was initially in the name of the Government. Though learned Counsel for the applicants placed reliance on the resolution passed by the

Gram-panchayat which is placed on record which shows that Gram-panchayat has passed the resolution and handed over the said property to applicant No.1. Admittedly, at the relevant time the co-accused Archana Ingle was Sarpanch of the said Gram-panchayat. During investigation, the statements of various witnesses are also recorded and various documents are also collected by the Investigating Officer from which it reveals that Gaon Namuna-8 is showing the seal and signature of Gram-panchayat, Shelodi. However, during investigation, it revealed that it does not bear the signature of the concerned Gramsevak and the Secretary of the said Gram-panchayat. Moreover, the said Gaon Namuna-8 is not registered in the Record of Rights from 1920 to 2022-2023 from which the investigating agency come to the conclusion that it is a forged document prepared by applicant No.1. As far as applicant No.2 is concerned who is son of applicant No.1 and only role attributed is that the Gift Deed is executed by applicant No.1 in favour of applicant No.2. Considering the role attributed to applicant No.2 admittedly, he is the only beneficiary and no other role is played by him, therefore, his custodial interrogation is not required but as far as the allegation regarding grabbing of the property appears to be against applicant No.1, and therefore, his prayer for grant of anticipatory bail deserves to be rejected. Accordingly, I proceed to pass the following order:

- (i) The application is partly allowed.

(ii) The prayer of applicant No.1 for grant of anticipatory bail is hereby rejected.

(iii) In the event of arrest, applicant No.2 – Mahendra Sunil Ingle in connection with Crime No.67/2024 registered with Police Station Khamgaon, District Buldhana for the offences punishable under Sections 409, 420, 468 and 471 read with Section 34 of the Indian Penal Code, be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iv) Applicant No.2 shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(v) Applicant No.2 shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)