

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

16 ANTICIPATORY BAIL APPLICATION NO.1547 OF 2025

Shankar Mohanlal Jaiswal

..Applicant

VERSUS

The State of Maharashtra and Another

..Respondents

.....

Shir. Rajendra Deshmukh, Senior Counsel a/w. Ms. Rakshanda R. Jaiswal & Ms. Meenal S. Deshmukh, Advocate i/by. Shri. Ramankumar G. Dodiya, Advocate for the Applicant
Shri. S. K. Shirse, APP for the Respondent / State.

.....

CORAM : NEERAJ P. DHOTE, J.

Dated : SEPTEMBER 08, 2025

PER COURT :-

1. Heard the learned Senior Advocate for the Applicant and the learned APP for the State. Perused the papers on record.

2. The Applicant is apprehending his arrest at the hands of the Police from the Phulambri Police Station, Chhatrapati Sambhajnagar in Crime No.194 of 2025 registered for the offence punishable under Sections 420, 468, 471, 465 r/w. Sec. 34 of the Indian Penal Code, 1860 (for short, 'I.P.C.'). The said crime is registered on the Report given by Rohini Yogesh Pathrikar.

3. It is the case of the Prosecution that, the FIR named Accused i.e. Accused Nos.1 and 2, by using the forged Non- Agricultural order

received by the Revenue Department, sold the plot to the Informant situated at Phulambri for consideration of Rs.7,60,000/- (Rs. Seven Lakh Sixty Thousand). According to the Informant, the Public Servants from the Office of the Revenue Department are also responsible for the Crime.

4. The Applicant is the Public Servant and working as the Revenue Officer with Phulambri Revenue Office. It is the case of the Prosecution that, the Applicant without verifying the genuineness of the Non Agricultural Order, sanctioned mutation entry in respect of the plot purchased by the Informant. The papers on record goes to show that the Applicant was called twice by the Police Station and he submitted his response to the queries raised by the Police Station. The learned Additional Sessions Judge in the Bail Orders of the Co-accused, one in the Anticipatory Bail Application and other in the Regular Bail Application have observed that *'prima facie it appears that the documents of N.A. permission and other documents in the file were found and hence supplied under RTI Act. As such, prima facie it appears that the investigation officer did not make effort in that direction. Thus, prima facie the alleged documents along with the stamp and signature thereon seem to have been issued by the Sub Divisional Officer. Therefore, at this moment all the allegations of forgery got diluted'*. It is further observed that, *'after going through the remand papers and documents filed on record by the Prosecution and the Accused, it is clear that the present offence is mainly pertaining to*

the documents'. The papers on record goes to show that the occurrence of the offence is dated 18.03.2018 and the Crime is registered on 17.04.2025. The learned Additional Sessions Judge rejected the Application of the Applicant mainly on the ground that the Applicant did not make enquiry about the genuineness of the N.A. order. According to the learned Advocate for the Applicant, it is not the job of the Applicant to verify the genuineness of the documents. Considering these aspects of the matter and the role attributed to the Applicant i.e. no verifying the genuineness of the N.A. Order and sanctioning the mutation entry, *prima facie* case for interim protection is made out. Hence, the following order.

ORDER

- i) Issue notice to the Respondents, returnable on 22.09.2025. The learned A.P.P. waives service of notice for both the Respondents.
- ii) Till the next date, in the event of arrest of the Applicant, namely, Shankar Mohanlal Jaiswal in connection with Crime No.194 of 2025, dated 17.04.2025 registered with Phulambri Police Station, Dist. Chhatrapati Sambhajnagar for the offence punishable under Sections 420, 468, 471, 465 r/w. Sec. 34 of the I.P.C., he be released on bail on executing P.B. of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.
- iii) The Applicant shall co-operate with the investigating machinery.

(NEERAJ P. DHOTE, J.)