

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1660 OF 2025

Shamburaje Babanrao Wable

.. Applicant

Versus

State of Maharashtra

.. Respondent

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- Mr. Ravindra K. Adsure i/by Mr. Sidheshwar N. Biradar, Advocates for Applicant
- Mr. Sukanta A. Karmakar, APP for Respondent - State
- Mr. Tejankar, PI, Unit-2, Mumbai

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 24, 2025

P. C.:

1. Heard Mt. Adsure, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent - State.

2. Applicant in the present case is arrested on 15.03.2025 in the aftermath of substantial investigation which has taken place for the past six years. One of the principal reason for noting down the Applicant's case is due to the facts in the present case which *prima facie* appear to be very strong. Applicant claims to be the person who in the first instance flagged the discrepancy and fraud leading to filing of the first two FIRs.

3. The case of the Applicant before me is that he has been made a scapegoat and arrested on 15.03.2025. According to Applicant he is the whistle blower of the present crime. Briefly stated what is crucial

to note is the fact that Applicant was posted as City Survey Officer on 19.11.2018 and thereafter transferred as Desk Officer on 11.05.2023 in the office of the Directorate of Land Record, Maharashtra State.

4. Mr. Adsure has drawn my attention to the fact that allegation of the prosecution is of tampering of the City Survey Maps rather Original Sheets of the City Survey Maps in respect of which survey was conducted in the year 1968 and they were kept in the safe custody and safe keep of the City Survey Officer which was headed by Applicant from 19.11.2018 onwards. One of the principal submissions made by him for grant of bail is that if any tampering was done prior to 19.11.2018, Applicant cannot be held responsible for that. However, he would persuade me to consider the fact that after Applicant took over charge of his office it is he who noticed the alleged discrepancy in the Original Sheets which showed non-existing structures which were superimposed on the earlier Original Sheets of the City Survey Maps and therefore he made a specific application and reference with regard to the alleged discrepancy by addressing letter dated 08.01.2020 to the District Superintendent of Land Records (for short "**DSLRL**"). He would submit that the DSLR immediately ordered an enquiry to be conducted by the Applicant himself by his written letter dated 09.01.2020 upon which Applicant conducted a full fledged enquiry and filed a detailed report dated 30.01.2020 which is appended at

page No. 147 of the Application to the Government. In the said report, it was the Applicant's case that he investigated and recorded the statement of 34 officers / staff members employed and working in the office of the City Survey Office and he concluded that 8 out of the said 34 officers / staff members were responsible for the alleged discrepancy in the Original Sheets which was unearthed by him and for which enquiry was conducted. It is on the said enquiry report, the first FIR was filed by the Applicant himself as the first informant for 8 Original Sheets. The said first FIR was succeeded by a further report which was made by Applicant dated 14.12.2010 leading to filing of the second FIR by a private citizen called Mr. Vaibhav Thakur.

5. Mr. Adsure would submit that on the basis of what transpired and the above facts, State Government took cognizance and was constrained to take immediate action as there was an Assembly Starred Question in that regard. Hence, State constituted a Committee after issuing the GR and the said Committee filed a detailed report dated 22.04.2022 on the basis of which Writ Petition was filed in the High Court requiring consolidation of various FIRs in view of the serious discrepancies found in the alleged records i.e. Original Sheets. He would submit that even in the High Court Petition Applicant was in fact stated to be the whistle blower in the present case. He would submit that the High Court passed an order requiring investigation to

be transferred to the Crime Branch. He would submit that in the above background, Applicant came to be arrested on 15.03.2025 and the prosecution case against Applicant is that he was responsible for issuing certain certified copies during his tenure as the City Survey Officer of the Original Sheets which showed certain existing structures on the said Sheets which were non-existing in the earlier Original Sheets. That apart Mr. Adsure has informed the Court that allegation of the prosecution against the Applicant is of tampering of government records.

6. The aforesaid facts are noted for one specific reason. Firstly the date of arrest in the present case of the Applicant is 15.03.2025. It is seen that it is the Applicant himself had flagged the alleged discrepancy in the year 2019 and his actions were the precursor for the present issue which led to further investigation, filing of 2 FIRs at the behest of Applicant himself and further FIRs with respect to alleged tampering of government records. The question before the Court is whether on the basis of the aforesaid *prima facie* material emanating from the record can the Applicant be held responsible if he himself had initiated a probe in the alleged irregularity or discrepancies.

7. Mr. Kulkarni, learned APP is directed by the Court to consider the aforesaid submissions emanating from the record of the case and

satisfy the veracity of the same on the basis of the record and precise role of the Applicant to enable the Court to consider the Bail Application.

8. The principal allegation as pointed out by Mr. Adsure is that Applicant has issued certified copies of certified sheets in respect of the land records. *Prima facie*, it is seen that Applicant was designated and employed as the City Survey Officer from 19.11.2018 to 11.05.2023 and if any Application was made to his office for issuance of certified copies of the Original Sheets which are maintained in his office, he was bound to provide them. The issue before the Court is as to who was responsible for the specific tampering of the said Original Sheets and the same can only be a matter of trial. There are already two reports which have been filed on record in which enquiry was conducted by the Applicant himself in this regard.

9. In view of the above, learned APP shall take appropriate instructions and inform the Court about the precise role of the Applicant to enable the Court to consider his Bail Application on the next date.

10. Stand over to 4th July, 2025.

[MILIND N. JADHAV, J.]