

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 246 OF 2025

Anil Malharao Watare

..... Applicant

VERSUS

The State of Maharashtra

..... Respondent

Mr. Navid Rashid Mulani for the Applicant.

Mr. Ajay S. Patil, A.P.P. for the State.

Mr. Mohsin Pathan, API, Kondhwa Police Station present.

CORAM : RAJESH S. PATIL, J.

DATE : 30th JANUARY, 2025

P.C. :-

1. The applicant is seeking anticipatory bail in correction with FIR No. 1111 dated 2nd October, 2024 filed under Section 82 of the Registration Act, 1908, the offences under Sections 465, 467, 468, 471 read with 34 of the Indian Penal Code.

2. It is a prosecution's case that the present applicant who is arranged as accused no.1 is admittedly a owner of the plot on which the

building Ashtavinayak Complex has been directed. It is prosecution's case that the Deputy Registrar (Class 2) Registration Department became suspicious as regards the documents pertaining to flat no.301 in the building Ashtavinayak Complex. While checking the documents, she realized that the documents mentioned as NA permission and Occupation Certificate (OC) were forged. Pursuant to which further enquiry was held and the FIR was lodged against seven accused persons. It has been submitted before me that as regards the accused nos. 3 to 6, the anticipatory bail was granted by the Sessions Court. As regards the accused no.7, the anticipatory bail is pending before the Sessions Court. As regards accused nos. 1 and 2, the anticipatory bail has been rejected. The accused no.1 is the present applicant who is the owner of the plot of the land and who is also entered into J.V. with the accused no.2. He has also executed a power of attorney in favour of the accused no.2.

3. It is the case of the applicant that he was not aware and is not responsible for any document being forged as regards issuance of non-agricultural certificate (NA) and also Completion Certificate (CC). He

submits that section 41A notice was not given to the present applicant. In any case, he submitted that the custody of the present applicant is not at all necessary as from the document itself the police can verify as to who has created the so-called alleged NA Certificate and the CC. He further submitted that his client is 58 years of age and for the first time desired to develop the property by entering into a J.V. with the accused no.2 who is a developer.

4. Learned A.P.P. appearing on behalf of the State submits that the present applicant is accused no.1 who is the owner of the plot of land. All permissions are applied on his behalf. He can't now say that he is not aware who applied for various permissions with the Planning Authority and the Government official as regards the development of the plot of land. At present, the said Ashtavinayak Building is fully constructed and the buyers have purchased the flats in the said building, they are not aware about the documents being forged by the accused persons. He submitted that the custody of the present applicant would be necessary since the police has to verify as to who has obtained these stamps on the documents pertaining to the NA and

as to who all and how the CC was obtained by the accused persons.

5. Taking into consideration, the FIR and the statement recorded, in my view the accused no.1 is the owner of the plot of land on which the Ashtavinayak Complex is constructed. The buyers of the flats in the said Ashtavinayak Complex were not aware of the fraud being committed and have booked the flats by paying their hard money. The accused no.1 can't now say that he is not aware who has played the fraud. All the permissions applied for in the name of the owner. The police has to get information from the applicant who has made available stamps on the NA Certificate and who has managed to get the Completion Certificate on the letterhead of the Corporation.

6. Hence, according to me, no case is made out and the **anticipatory bail application is accordingly rejected.**

[RAJESH S. PATIL, J.]