



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 344/2025

AMAR DHARMRAJ PATIL ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Anil S. Shitole for applicant.
Ms. Supriya Kak, APP for State.
HC/107 Vinayak Nalawade, Pandharpur Taluke Police Station.

CORAM : RAJESH S. PATIL, J.

DATE : FEBRUARY 10, 2025.

P.C. :

1. This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with the First Information Report (FIR) No.583/2024 registered with Pandharpur Taluka Police Station, District Solapur Rural, Solapur, for the offence punishable under Sections 420, 467, 465, 468, 406, 120-B read with 34 of the Indian Penal Code.

2. It is the case of the prosecution that the informant namely Kishor Sopan Bhambure came in contact with accused no.1- Ankush Bhiku Deshmukh and the present applicant who was a Talathi in the

year 2015. At that time, accused no.1 was in possession of the land at Kasegaon, Taluka Pandharpur bearing Gat No.105/2/2C and as he was in need of money, his father Bhiku Deshmukh and he accepted the amount of Rs.67,23,000/- and they registered a sale deed. The present applicant being Talathi gave a 7/12 extract of the said property and the transaction was completed. When the informant in the year 2021, want to collect a fresh 7/12 extract of the said property, he found that the said land was not in existence and the 7/12 extract was not there in the official record. Hence, he made enquiries, at that time the present applicant stated that the earlier issued 7/12 extract was bogus. The informant, at that time, understood that he was cheated by all the accused. The applicant, at that time, gave an affidavit dated 16th September 2021.

3. At pages 38 and 39, a photocopy of that affidavit executed by the present applicant is annexed. In the said affidavit, it has been recorded as under :-

कारणे सत्य प्रतिक्षेवर प्रतिज्ञापत्र लिहून देतो की मी वरील ठिकाणांचा कायमस्वरूपी रहिवाशी असून मौज कासेगांव येथील जमीन गट नंबर १०५/२/२क क्षेत्र ० हे ८१ आर आकार ३ २०० पैसे या जमिनीचा मोबदला ६७,२३,०००/- रुपये किंमतीस झालेला आहे. तसेच सदर व्यवहारास जोडलेला ७/१२ उतारा हा बोगस होता त्यावर केलेली स्वाक्षरी ही माझी आहे. मी सदर दस्त नोंदणी करतेवेळी माझ्याकडे कासेगाव सजा होती.

मी सदर खरेदीखत लिहून घेणार किशोर सोपान भांबुरे यांना रक्कम रुपये ७,५०,०००/- रुपये मी दिनांक ५/१०/२०२१ पर्यंत किंवा त्याचे आत देण्याचे आहे व त्यानंतर किशोर सोपान भांबुरे यांनी सदर जमिनीचा व्यवहार पूर्ण झाल्यानंतर रक्कम रुपये ७,५०,०००/- रुपये हे अमर धर्मराज पाटील यांना परत देण्याचे आहे.

प्रतिज्ञापकातील मजकूर सत्य व खरा आहे. मजकूर खोटा आढळून आल्यास भारतीय दंड विधान संहिता (आय.पी.सी.) कलम १९९८ व २०० नुसार शिक्षेस पात्र राहील.

4. It is not denied that the said affidavit at pages 38 and 39 has been executed by the present applicant. In clear terms, the present applicant admitted that he was part of the plan to cheat the informant.

5. It is submitted on behalf of the applicant that the applicant is a Government servant and the main accused is accused no.1 – Ankush Deshmukh. The present applicant had only issued 7/12 extract. The applicant is ready to co-operate with the investigation being a Government servant. The custody of the present applicant is unwarranted and there is any malice.

6. The learned APP strongly opposed this application and submitted that the applicant has admitted the illegal acts done by him by way of an affidavit solemnly affirmed by him. Hence, there is no merit in the present application. The applicant cannot seek mercy

on the ground that he is a public servant. In fact, the applicant should have been diligent being a public servant. Hence, the application should be rejected.

7. I have heard the learned counsel for the applicant and the learned APP for the State.

8. The applicant in his affidavit dated 16th September 2021 as in clear terms admitted that he had made a mistake by illegal giving a bogus 7/12 extract to the informant. Hence, it will be important for the police to interrogate the applicant. Though the applicant was ready to pay a sum of Rs.7,50,000/- but the entire transaction was of a sum of Rs.67,23,000/-. It will be necessary to find out the chain of the money transaction as to who has received the entire consideration for the land.

9. The Hon'ble Supreme Court in case of *Sumitha Pradeep vs. Arun Kumar C.K. and another*¹ in paragraph 12 has held as under :-

“..... In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding

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an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

(Emphasis supplied)

10. In view of the same, there is no merit in the present anticipatory bail application. **The same is rejected and disposed of accordingly.**

(RAJESH S. PATIL, J.)