



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.124 OF 2025

Bismillah Gafur Sheikh and another
Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Dharni, Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Aadil Anwar J. Mirza, Counsel for the applicants.
Mr. M. K. Pathan, APP for the non-applicant / State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/03/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.41/2025 registered with Police Station Dharni, Amravati for the offence punishable under Sections 318(2), 336(2), 337, 338, 339, 340(2), 341, 342 of the Bharatiya Nyaya Sanhita, 2023, the applicants approached to this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Talathi of Dharni, Taluka Dharni, District Amravati. In July 2019, the co-accused Mohammad Shoeb approached to him and asked for preparation of the 7/12 extract of plot Nos.1 to 78 of survey No.184. The co-accused has also furnished the map. Upon verification of the record, he found that 7/12 extracts of the plot Nos.1 to 67 were

prepared and there were no 7/12 extracts as regards plot Nos. 67 to 76. The accused Sheikh Bismillah i.e. present applicant and applicant No.2 repeatedly contacted him and insisted for 7/12 extracts of plot Nos.67 to 76. On the basis of the map submitted by the accused persons, the informant made separate 7/12 extracts of plot Nos.67 to 76. Thereafter the complaint came to be lodged that forged for 7/12 extracts of plot Nos.67 to 78 were prepared. In layout map, the plot No.67 was reserved for open space and Balak Mandir. Thus, it was revealed that on the basis of the forged maps the co-accused Mohammad Shoeb and the present applicant got prepared the 7/12 extracts which formed base for agreement to sell, therefore the Talathi has lodged the report.

3. Heard learned Counsel for the applicants who submitted that as far as the present applicants are concerned, they entered into an agreement of sale with the co-accused Mohammad Shoeb. They have also paid the earnest amount. Thus, as far as the role of the present applicants is neither in the forgery of the 7/12 extracts nor in the forgery of map. He invited my attention towards the various documents and the order passed by the Sub-Divisional Officer as well as the Tahsildar and submitted that the role of the present applicants is not either in the forgery or preparation of the 7/12

extracts. In view of that, the applicants be protected by granting anticipatory bail.

4. During investigation it revealed that original layout was sanctioned for plot Nos.1 to 67, as seen from the sanctioned map of the said layout. The sanctioned map clearly shows that there were only plot Nos.1 to 67 existing on the layout and there was a huge space, which is earmarked as a public utility. The said open space was existing on plot No.67, earmarked as Balak Mandir, which is still running in the said open space being plot No.67. The said Plot No.67 was further bifurcated into plot No.67 to 78 and without obtained any sanction map was said demarcation, the co-accused, in connivance with the present applicant had approached the Talathi to issue the 7/12 extract and got prepared the said 7/12 extracts. As the Talathi came to the notice that no such plots are there, and therefore, he approached to the police and lodged the report. Thus, considering the nature of the crime, which is committed admittedly, the custodial interrogation of the present applicant is required, as ascertainment of the basic facts as to the preparation of the map is yet to be revealed. In view of that, their custodial interrogation is required, and therefore, no case is made out for grant of anticipatory bail. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order:

(4)

928.aba.124.2025

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)

Sarkate