

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
28 CRIMINAL APPEAL NO. 1217 OF 2024**

Amol Sahebrao Raut

...Appellant

Vs.

The State Of Maharashtra And Anr

...Respondents

...

Mr. Chandrakant Yadav, Advocate for Appellant

Mr. C. D. Mali, APP for the State

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 28th JANUARY 2026.

P.C.

1. This appeal is filed challenging the order passed by learned Additional Sessions Judge, Vaduj in Criminal Bail Application No. 140 of 2024 thereby rejecting Anticipatory Bail Application filed by the appellant in C.R. No. 234 of 2024 registered with Dahivadi Police Station, for offence punishable under Sections 420, 465, 467, 468 and 471 read with 34 of the Indian Penal Code read with Sections 3(1)(f), 3(2)(V) and 6 of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SCST Act').

2. Prosecution case in short is, that a report is filed by the complainant Smt. Laxmi Bajarang Katakdaunde, stating that she is residing at Mumbai since many years as her husband was serving in R.B.I. at Mumbai. On 04.09.1974, she had purchased land

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admeasuring Hectare 4=23 R out of Gat no.750 and Hectare 6=86 R out of Gat no.860 situated at village Mhaswad, Taluka Man from Mahadu Rama Masal, R/o Masalwadi, Tal. Man. Accordingly, her name was recorded in the record of rights. She was in possession of the said land. In the year 2016, her son Arun had been at village Mhaswad. When he returned at Mumbai he informed her that the portion from the land Gat no.750 seems to be reduced comparing to the entries in record of rights. He collected the 7/12 extracts and sale-deed etc. and on verification complainant learned that a fake sale-deed in respect of Hectare 4=23 R out of Gat no.750 came to be executed in favour of Ankush Bhiva Virkar and Maruti Ankush Virkar by her impostor i.e. presenting another lady as complainant before the concerned authority and got executed the document of sale-deed on 29.05.2010. The said document is at Sr. No. 1642/2010.

3. The complainant further alleged that she also learned that one Maruti Tukaram Gajankash and Mahesh Narayan Sarate stood as the identifiers and persons viz., Vikas Shrimant Didwagh, Hanmant Mahadeo Katakdaunde and this applicant-accused Amol Sahebrao Raut from Mhaswad stood as witnesses to the said sale-deed. It is further alleged that when the complainant perused the sale-deed in question, she also got knowledge that the photograph affixed on sale-deed was the photograph of a lady pretender. She also learned that

voter ID card used for identification by that lady was not of herself. Accordingly, the offence to that effect is registered on the basis of the report.

4. Heard learned advocate for the appellant, learned APP for the State instructed by the concerned officer from the concerned police station.

5. The offence is allegedly committed in the year 2010, the F.I.R. is registered on 25th May 2024. The inordinate delay is not properly explained by the informant. Charge-sheet in the present crime is filed on 10th March 2025. The allegations against the appellant is that he has signed the sale deed executed in favour of accused no. 1 as a witness. Considering the role attributed to the appellant, offences of Atrocity Act are not attracted against him.

6. Learned APP on instructions submits that accused no. 1 is granted ad-interim protection by this Court.

7. The appellant was granted interim protection on 19th November 2024. He has cooperated in the investigation. In view of the filing of the charge-sheet, custodial interrogation of the appellant is not necessary. Taking into consideration the allegations levelled against the appellant, prima facie, no offence under SCST Act are made out against the appellant. Therefore, appeal deserves to be allowed.

8. In the result, the appeal is allowed.

9. The impugned order passed by the learned Additional Sessions Judge, Vaduj in in Criminal Bail Application No. 140 of 2024 is hereby quashed and set aside.

10. The appeal is allowed by confirming the Ad-interim protection granted by this Court vide order dated 19th November 2024.

(NITIN B. SURYAWANSHI, J.)