

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 729 OF 2015

Baban s/o. Uttam Rathod and Anr.**Applicants.**

Versus

The State of Maharashtra**Respondent.**

Mr. R.J. Nirmal, Advocate for applicants.

Mrs. M.A. Deshpande, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 25th February, 2015.

ORDER :

1. The application is filed for bail. Both the sides are heard. Present applicants are arrested in C.R. No. 98/2014 registered in Aundha-Nagnath Police Station, District Hingoli for the offences punishable under sections 420, 468, 471, 467, 409, 120-B, 34 etc. of I.P.C.

2. Allegations are made against the applicants and others, who include Talathi, Circle Officer etc. that they created false record of allotment of Government land in favour of applicants and due to the false record, some entries were made in revenue record.

3. The learned counsel for the applicants submitted that the applicants are behind bars since 9.1.2015. The record is

very much available and there is also the record of initial allotment showing that no allotment was made in favour of applicants. The learned counsel for applicants made a statement that the applicants are not claiming any portion of that land as owner or under allotment. He made further statement that the applicants are not in possession of this land. In view of these circumstances, the authority of the Government is at liberty to do the needful, if at all there is some construction etc. made by applicants or somebody on behalf of applicants are found in actual possession. In any case, in view of these circumstances and as the applicants are behind bars since 9.1.2015, this Court holds that it is not desirable to keep the applicants behind bars till the disposal of the case. It will take much time for completion of investigation and also for decision of the main matter.

4. In the result, the application is allowed. The applicants are to be released on bail on their furnishing PR and SB of Rs. 30,000/- (Rupees thirty thousand) with one solvent surety of like amount by each of them. They are not to tamper with the prosecution witnesses. They are not to commit similar offence.

[T.V. NALAWADE, J.]

ssc/