

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 914 OF 2015

Vandana W/o Bharat Jadhav

.... **APPLICANT**

V E R S U S

The State of Maharashtra & Ors.

.... **RESPONDENTS**

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Mr.D.R.Adhav, Advocate for Applicant.

Mrs. V.A.Shinde, A.P.P. for R - 1 State.

Mr. A.D.Sugdare, Advocate for first informant.

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CORAM : V.M.DESHPANDE, J.

DATE : 20th MARCH, 2015

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PER COURT :

1. The First Information Report [for short, 'F.I.R.'] is lodged with police station Gangapur, Dist. Aurangabad. The same is registered as Crime No. 12/2015 for the offence punishable u/s 420 read with 34 of the Indian Penal Code.

2. The present applicants are apprehending their arrest in connection with Crime No. 12/2015 and, therefore, they are before this Court for anticipatory bail.

3. Heard Mr.D.R.Adhav, the learned counsel for the

applicants, Mrs. V.A.Shinde, the learned A.P.P. for respondent No. 1 – State and Mr. A.D.Sugdare, the learned counsel for the first informant in extenso.

4. The F.I.R. is lodged by Shakuntala on 15/01/2015. According to the case of the prosecution, Shakuntala was instigated to purchase property admeasuring 76 R. from G.No. 113/1 situated at village Pakhora, Tal. Gangapur, Dist. Aurangabad. Due to such instigation, the sale deed is executed in favour of Shakuntala, the first informant by one Ramkisan Suryabhan Gaware on 06/12/2012. The said sale deed is duly registered with the office of the Sub Registrar, Gangapur.

The prosecution case is that, in fact, this land which was transferred under the sale deed dated 06/12/2012 by Ramkisan Suryabhan Gaware was already sold in favour of Limbaji Arjun and Appasaheb Pandharinath Zalake by one Inderchand Mutha on 15/03/2011 and as such on 06/12/2012, Ramkisan Suryabhan Gaware was not owner of said agricultural field.

5. The learned A.P.P. and the learned counsel for the first informant submitted that Vandana, applicant No. 1 is wife of Bharat Jadhav, who is one of the attesting witnesses to the sale deed dated 06/12/2012.

In so far as applicant No. 3 Kailas Baburao Pawar is concerned, according to the learned A.P.P. and the learned counsel for the first informant, he acted as middle-man in the transaction, which resulted in the execution of the sale deed

dated 06/12/2012. In so far as applicant No. 2 Sangita W/o Kailas Pawar is concerned, it is stated that she is wife of applicant No. 3.

6. The learned A.P.P. submitted that applicant Nos. 1 to 3 are close friends of the first informant and, therefore, their custodial presence is required in the present crime. The applicant No. 1, who is wife of the attesting witness and the so called middle-man and applicant No. 3 can not be denied the discretionary relief in their favour.

7. Before purchasing the property, it was incumbent upon the vendee/first informant to satisfy herself about the title of the vendor. In that view of the matter, merely because, applicant No. 3 Kailas acted as middle-man, one can not jump to the conclusion that he has any role in respect of any cheating, as alleged by the prosecution.

8. Hence, I pass the following order :

(i) In the event of the arrest in connection with Crime No. 12/2015 for the offence punishable u/s 420 read with 34 of the Indian Penal Code registered with police station Gangapur, Dist. Aurangabad, applicant No. 1 Vandana W/o Bharat Jadhav, applicant No. 2 Sangita W/o Kailas Pawar and applicant No. 3 Kailas Baburao Pawar be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand]

with one solvent surety of like amount by each of them.

- (ii) It is directed that applicant No. 3 Kailas Baburao Pawar shall attend police station Gangapur, Dist. Aurangabad once in a week preferably on every Sunday between 3.00 p.m. and 4.00 p.m. till the charge sheet is filed.
- (iii) Criminal Application No. 914 of 2015 is disposed of.

[V.M.DESHPANDE, J.]