

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2277 OF 2015.

SHAIKH MOHD YOUNUS S/O MOHD KARIM.
VERSUS
THE STATE OF MAHARASHTRA. & ORS.

Appearance =>

Mr. Sudarshan J. Salunke, Advocate for the Applicant.

Mrs. V.A. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 6th May, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No.58/2015, registered with Police Station, Jintur, District - Parbhani for the offences punishable under Section/s 323, 504, 506 of the Indian Penal Code and under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

[2] I have heard Mr. Sudarshan J. Salunke, learned counsel for the Applicant and Mrs. V.A. Shinde, learned Additional Public Prosecutor for the State of Maharashtra.

[3] First Information Report is lodged by Piraji Gangaram Kokate on 15th April, 2015. According to the First Information Report on 11th April, 2014 the first informant met the present Applicant, who is serving as village

Talathi of village Karanji, Jintur, District – Parbhani. According to the accusation made in the First Information Report, first informant requested the present Applicant for mutating the name of his father Gangaram in lieu of deceased Narayan Kokate; however that time, present Applicant demanded the amount and also uttered abusive language in the name of his caste.

[4] It is not in dispute that, originally the land in question was standing in the name of Narayan. After his death, proceedings were carried in the Civil Court vide Civil Misc. Application No.40/14 and the learned Joint Civil Judge, Junior division, Jintur vide his order dated 27th January, 2015 certified that in addition to Gangaram, two other persons are the legal representatives of deceased Narayan.

[5] My attention is invited to the application filed by Gangaram for mutation. Alongwith the said application, heir-ship certificate is also filed. It is signed by Sarpanch and village Police Patil which shows that, only Gangaram is the legal representative of deceased Narayan, which is contrary to the order passed by the learned Civil Court in Civil M.A.No.40/14.

[6] In view of the aforesaid factual position, submission of the learned counsel for the Applicant that since the first informant was insisting mutation in the name of Gangaram, which was objected by the present Applicant, his false implication cannot be completely ruled out. That leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - SHAIKH MOHD YOUNUS S/O MOHD. KARIM, in the event of his arrest, shall be released on anticipatory bail on he executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No.58/2015, registered with Police Station, Jintur, District - Parbhani for the offences punishable under Section/s 323, 504, 506 of the Indian Penal Code and under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- (iii) With this Criminal application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)