

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3592 OF 2015**[Ramdas WamanKasar and another Vs The State of Maharashtra]**

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

Court's or Judge's orders

Shri N.C.Garud, advocate for applicants
Shri A.S.Shinde, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 29th July, 2015****PER COURT :-**

1] This is an application for anticipatory bail, since the applicants are apprehending their arrest in connection with Crime No. 87 of 2015, registered at Kotwali Police Station, Ahmednagar, for the offences punishable under Sections 420, 467, 688 r/w 34 of the Indian Penal Code.

2] Heard Shri N.C.Garud, learned counsel for applicant and Shri A.S.Shinde, learned Additional Public Prosecutor for the respondent/State in extenso.

3] The first information report is recorded by Uttam Waman Jawale. According to the first information report, the first informant purchased a plot bearing No.13, admeasuring 150 sq. mtrs. from and out of Survey No. 143/2 from one Muktabai Sonyabapu Dube for Rs.9,700/-.

The first information report further states that on 26.3.2015 when his son Adesh had been to the Talathi office for making payment of taxes, that time Talathi informed him that the plot is already sold, and as such, there is no necessity to pay the house tax. The said fact was immediately informed to the first informant by his son.

Therefore, the first informant had been to the office of the Talathi and he took out the relevant document and extract to notice that his name was deleted from the property record and in his place the name of the present applicants is taken. That required the first informant to visit the office of the Sub-Registrar for obtaining the copy of the same. The said sale deed is dated 26.12.2014.

On perusal of the sale deed, he noticed that instead of first informant some other person has executed the sale deed in favour of the present applicants for valuable consideration of Rs.3,30,000/- in presence of witnesses. With these allegations the first information report is recorded.

4] The State has filed the reply to the application. According to the reply, it is clear that the sale deed in question is already seized from the present applicants and the sale deed standing in the name of the complainant is also in possession of the investigating officer. According to the reply, the investigating officer needs custodial presence of the present applicants for having specimen of their hand writing and the signature.

5] Since all the necessary documents are already seized and are in possession of the investigating officer and the investigating officer needs the custody of the present applicants only for specimen of their hand writing and the signature, the said purpose of the investigating officer can be achieved by directing the present applicants to attend the police station and join the investigation. That leads me to pass following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant No.1-Ramdas Waman Kawsar and applicant No.2-Sanjay Ramdas Kasar be released on anticipatory bail, in the event of

their arrest, in connection with Crime No. 87 of 2015, registered at Kotwali Police Station, District Ahmednagar, for the offences punishable under Sections 420, 467, 688 r/w 34 of the Indian Penal Code, on they each executing P.R. bond in the sum of Rs.5,000/- with one solvent surety of like amount by each of them.

(iii) Both the applicants shall attend Kotwali police station, Ahmednagar, on 3.8.2015 and on that day they shall remain with the investigating officer for the purpose of interrogation from 11.00 a.m. till 5.00 p.m. During this period, the investigating officer should obtain specimen of their hand writing and the signature.

(iv) After 3.8.2015, both the applicants shall attend police station as and when required by the investigating officer, however, on written communication from the investigating officer giving them 24 hours notice.

(v) The application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap3592.15