

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

CRIMINAL APPLICATION NO.4207 OF 2015

Dr. Gopal s/o Bhikaji Bachire,
R/o. House NO. M-7/15, HUDCO, N-11,
Yadav Nagar, Aurangabad.

...Applicant

versus

The State of Maharashtra

...Respondent

.....
Mr. Vinayak M. Kagne, Advocate for applicant
Mr. R.P. Phatke, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 24th AUGUST, 2015

ORAL ORDER :

The applicant, who is Professor, seeks pre-arrest bail in the Crime No. I-352/2015 registered with CIDCO Police Station, Aurangabad for the offence punishable under Sections 406, 420, 465, 468, 471 read with Section 34 of the Indian Penal Code.

2. The complaint came to be lodged on 15/07/2015 by the nephew of the applicant namely Sandip Uttamrao Shingne alleging that the property which was owned by him bearing House No.13/3 and 13/3A was sold by the applicant to one Chandrakant Kumarrao Ghodke. According to him, the considerations thereof were not paid to him and as such, the offence in question.

3. The prosecution case as is noticed further is that another offence bearing Crime No. I-152/2015 was registered on 11/04/2015 for the offence punishable under Sections 420, 467, 468 read with Section 34 of the Indian Penal Code in relation to same property in which the complainant Sandip and present applicant are shown to be accused at the behest of the purchaser namely Chandrakant Ghodke. In the said crime, the applicant was already granted pre-arrest bail vide order dated 30/05/2015 passed in Bail Petition No.709 of 2015.

4. Mr. Phatke, learned A.P.P. urged that there is considerable progress in the investigation in the present matter.

5. According to him, the documents which were seized were sent for verification/examination of the signature of present applicant and as such, present case is not fit, in which this Court should grant pre-arrest bail.

6. Having perused the documentary evidence that is brought on record, *prima facie*, it reflects that the offence is arising out of contractual transaction between the parties namely complainant Sandip, present applicant and purchaser Chandrakant Ghodke.

7. The applicant is already protected in earlier crime which was lodged at the behest of Chandrakant Ghodke. Apart from above, it is required to be noted that payment receipts, agreement and notarized sale deed are placed on record which bears the signature of the complainant. Therefore, *prima facie*, the transaction in the present case appears to be contractual in nature. In view of above, in my opinion, no purpose will be served if the custodial interrogation of the applicant is granted.

8. In view thereof, present application is allowed.

9. In the event of arrest, the applicant namely Dr. Gopal s/o Bhikaji Bachire is directed to be released on bail upon furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in like amount in connection with Crime No. I-352/2015 registered with CIDCO Police Station, Aurangabad for the offence punishable under Sections 406, 420, 465, 468, 471 read with Section 34 of the Indian Penal Code.

10. The applicant shall attend the concerned police station every day between 10-00 a.m. to 11-00 a.m. for period of one week and thereafter as and when called.

[N.W. SAMBRE, J.]