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

CRIMINAL APPLICATION NO.4645 OF 2015

Mahadeo s/o Baliram Talekar & anr. ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr R.N. Dhorde, Senior Advocate, instructed by Mr Abhijit S. More,
Advocate for applicant;
Mrs B.B. Gunjal, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 14th September, 2015

ORAL ORDER :

By the instant application, the applicants seek their enlargement on bail, in the event of their arrest, in connection with C.R. No.145 of 2015, registered with Gevrai police station, for offences punishable under sections 420, 467, 468 and 471 of the Indian Penal Code.

2. One Rambhau Narayan Dhurandare was allottee of land bearing Gat No.785, which he has decided to alienate to the present applicants, resulting into moving an application for grant of permission before the Deputy Collector, in view of provisions of the Maharashtra Agricultural Ceiling on Holding Act, 1961. In the said application, he has disclosed the names of the present applicants as the prospective purchasers and the applicants have endorsed the said application. Pursuant to the said

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application, the Revenue Officer has issued proclamation and invited objections and as no objections were received, appropriate panchnama was drawn and the Tahsildar submitted a report to the office of the Deputy Collector about the same.

3. The applicants got a sale deed executed in their favour, pursuant to the order dated 8th August, 2013, purportedly issued by the Deputy Collector (General), Beed, which according to the prosecution since is a forged document, has resulted into registration of offence against the present applicants, vide C.R. No.145 of 2015, for offences punishable under sections 420, 467, 468 and 471 of the Indian Penal Code.

4. The applicants herein are seeking pre-arrest bail on the ground that if the role attributed to them in the first information report is verified with that of his conduct in the transaction in question, according to them, there is no *prima facie* involvement of the applicants in the commission of the crime.

5. With a view to substantiate his contentions, learned Counsel appearing on behalf of the applicants has invited my attention to the pleadings, that both the applicants have transferred their holdings and have approached the financial institutions for getting aid for the purpose of completing the transaction in question. In addition to above, learned Counsel would urge that process of grant of permission as reflected above, before the Deputy Collector is entirely pursued by the land owner and the

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applicants name disclosed only to be prospective purchasers and there is hardly any participation of the applicants in the process of seeking permission.

6. Learned Addl. Public Prosecutor appearing on behalf of the respondent – State would urge that in view of the signature of the applicants on the application, the applicants were well within the knowledge about the process that was adopted for securing permission from the office of the Deputy Collector, Beed for transfer of the land which was covered under the Maharashtra Agricultural Ceiling on Holding Act, 1961. According to her, custodial interrogation of the applicants is necessary and, therefore, she sought rejection of the application.

7. Perusal of the accusations in the first information report and the investigation papers reflect that the involvement of the applicants is attributed pursuant to the forged order of the Deputy Collector, dated 8th August, 2013, granting permission to transfer the land in favour of the present applicants. Perusal of the sale deed reflects that the applicants are purchasers of the land in question for valuable consideration and same speaks of the permission granted by the Deputy Collector on 8th August, 2013.

8. From the record, so also from the investigation papers, it depicts that there is hardly anything to infer that the applicants were prima facie involved in commission of the crime in question, as they have purchased

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the property for valuable consideration, upon *prima facie* misrepresentation made to them by the land owner as regards the permission secured from the revenue authorities.

9. In view thereof, in my opinion, it will be appropriate to confirm the ad interim protection granted to the applicants by this Court, vide order dated 31st August, 2015 and accordingly it is confirmed on the same terms and conditions.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj