

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 5620 OF 2014**[Prashant s/o Kashinath Zaware Vs The State of Maharashtra & anr.]**

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

Court's or Judge's orders

Shri N.B.Narwade, advocate for applicant

Shri N.B.Patil, A.P.P. for respondent no.1

Smt. V.V.Narale (Raut), advocate for respondent no.2

CORAM : V.M.DESHPANDE, J.

DATED : 20th March, 2015

PER COURT :-

1] Heard Shri N.B.Narwade, advocate for the applicant, Smt. V.V.Raut, learned counsel for respondent no.2 and Shri N.B.Patil, learned Additional Public Prosecutor for respondent no.1.

2] By the present application, present applicant claims to be the whistle blower, on whose pointing out, the first information report was registered against the non-applicant no.2. The offence is registered vide Crime No.I-102 of 2014 on 7.4.2014, for the offence punishable under Sections 403, 406, 409, 420, 467, 468, 471 r/w 34 of the Indian Penal Code at police station Parner.

3] Non-applicant no.2 along with others moved an application before the learned court below for grant of anticipatory bail. The said application was registered as

Miscellaneous Criminal Application No. 570 of 2014 and the learned Assistant Sessions Judge, Ahmednagar on 23.5.2014 was pleased to allow the said application.

4] The order granting anticipatory bail is challenged on the ground that the offence is serious, and therefore, the learned trial court ought not to have granted anticipatory bail.

5] It appears that a construction was undertaken by the non-applicant no.2 along with others on their land. According to the applicant, no previous sanction was obtained, however, the sanction was obtained on the basis of the fabricated documents. The fabrication of the documents is a matter of trial and at this stage, it cannot be evaluated. Further, for such purpose custodial presence of the non-applicant no.2 is not at all necessary. This aspect was rightly considered by the learned court below while granting anticipatory bail in favour of the non-applicant no.2. I see no reason to interfere with such plausible reasoning.

6] In that view of the matter, the application is rejected.

(V.M.DESHPANDE, J.)

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