

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

CRIMINAL APPLICATION NO. 5281 OF 2015

Prabhakar s/o Ramrao Gapat **APPLICANT**

V E R S U S

The State of Maharashtra & Anr. **RESPONDENTS**

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Mr. S.J.Salunke, Advocate for Applicant.

Mr. S.J.Salgare, A.P.P. for R.No. 1 - State.

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CORAM : INDIRA K. JAIN, J.

DATE : 4th DECEMBER, 2015

ORAL ORDER :-

. Here is an application for pre-arrest bail in Crime No. 301/2015 registered at Osmanabad City police station, district Osmanabad for the offences punishable u/ss 420,467,468,471 of the Indian Penal Code.

2. Heard Mr. S.J.Salunke, learned counsel for applicant and Mr. S.J.Salgare, learned A.P.P. for Respondent – State. Perused papers of investigation.

3. It can be seen from F.I.R. that applicant is younger brother of informant Shivaji Ramrao Gapat. On 25/08/2015 Shivaji Gapat lodged report stating therein that his father Ramrao was owner of an agricultural land situated at village Indapur. This land was acquired by the Government. His father died on 22/07/2010 at Osmanabad. After the death of father he, applicant and their sisters are the successors.

4. According to complainant an amount of ₹ 1,01,124/- was sanctioned by the Govt. on 18/06/2014. It is alleged that applicant represented himself in the place of his father, forged the signature and withdrew the amount. Thereafter due to fear of action he re-deposited the said amount in the bank and thereby he cheated them.

5. It appears that there is family dispute between applicant and informant. Applicant and informant are real brothers and applicant is claiming share in the property belonging to his father. The amount allegedly withdrawn by applicant was re-deposited in the bank. In this background no custodial interrogation of applicant would be necessary.

6. Considering the nature of dispute between the parties, allegations in F.I.R. and severity of punishment this Court is inclined to grant protection. Hence, the following order.

ORDER

- (i) Criminal Application No. 5281 of 2015 is allowed.
- (ii) Interim protection granted to applicant vide Order dated 20/10/2015 is confirmed.
- (iii) In the event of arrest of Applicant Prabhakar s/o Ramrao Gapat in Crime No. 301/2015 registered at Osmanabad City police station, district Osmanabad for the offences punishable u/ss 420,467,468,471 of the Indian Penal Code he shall be released on bail on P.R. and S.B. of ₹ 15,000/- [Rupees Fifteen Thousand] each.
- (iv) Applicant shall not tamper with the prosecution evidence and shall make himself available for investigation as and when required.

**[INDIRA K. JAIN]
JUDGE**