

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
CRIMINAL APPELLATE JURISDICTION.**

Criminal Application No. 6064 Of 2014.

THE STATE Of MAHARASHTRA.
VERSUS
BHAUSAHEB RAMRAO SADAPHAL.

Appearance =>

Mrs. V.A. Shinde, Additional Public Prosecutor for the State of Maharashtra.

Mr. Umakant Wagh, Advocate h/for Mr. A.V. Hon, Advocate for the Respondent.

CORAM : V.M. DESHPANDE, J.

DATE : 23rd MARCH, 2015.

Per Court :-

This is an application filed on behalf of the State for cancellation of anticipatory bail granted by the learned Additional Sessions Judge, Kopergaon, Dist. Ahmednagar on 15th January, 2015 in Criminal Anticipatory Bail Application No.3/2014.

[2] Heard Mrs. Shinde, learned Additional Public Prosecutor for the State in extenso.

[3] The learned trial court has granted anticipatory bail in favour of the respondent, who is practicing Advocate, in CR No. 2/2014 registered with Police Station, Rahata, Dist. Ahmednagar for the offences punishable under Section.s. 420, 465, 468, 471 read with

34 of the Indian Penal Code. According to the learned Additional Public Prosecutor the learned trial court ought not to have granted anticipatory bail in favour of the present respondent, since he is beneficiary of fabricated sale deed.

[3] It is clear that, copy of the sale-deed was filed on record at the time of consideration of the anticipatory bail by the learned trial court. Further it is clear from the First Information Report itself that the disputed document is executed in the year 1996 and the first informant has lodged the report in the year 2014. Bare perusal of the First Information Report shows that the first informant Anil Balasaheb Sadaphal got knowledge of the document in the year 2011. For three years no report was lodged. Further all the documents were already seized by the Police, therefore, according to the learned trial court custodial presence of the Respondent was not at all required.

[4] The impugned order shows that the learned Judge of court below has considered the prosecution case and thereafter reached to the conclusion that the custodial presence of the respondent was not necessary. View taken by the Judge of court below in granting anticipatory bail in favour of present Respondent is possible one. Further it is not case of the State that the respondent has misused the liberty granted to him.

[4] In that view of the matter, I see no reason to interfere with the order passed by the learned Additional Sessions Judge, Kopargaoon, Dist. Ahmednagar granting anticipatory bail in favour of the respondent in connection with CR No.2/2014 registered with

Police Station, Rahata, Dist. Ahmednagar for the offences punishable under Section.s. 420, 465, 468, 471 read with 34 of the Indian Penal Code. Hence, Criminal Application is rejected.

[5] Needless to mention, any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case, at the time of trial.

(V.M. DESHPANDE, J.)