

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

CRIMINAL APPLICATION NO.5632 OF 2015

Dilip Laxman Gavhane,
Age 35 years, Occu. Agri.,
R/o Gavhane Vasti,
Wadgaon Gupta, Near
Athare Patil Public School,
Savedi, Ahmednagar

.. Applicant

Versus

1. The State of Maharashtra,
2. The Superintendent of Police,
Ahmednagar

.. Respondents

- WITH -

CRIMINAL APPLICATION NO.5636 OF 2015

Vilas Ramchandra Tathe,
Age 53 years, Occu. Agri.,
and Business,
R/o Mahalaxmi Bunglow,
Behind Mahalaxmi Garden,
Balikashram Road, Savedi,
Ahmednagar

.. Applicant

Versus

1. The State of Maharashtra,
2. The Superintendent of Police,
Ahmednagar

.. Respondents

Mr R.K. Temkar, Advocate for applicant
Mrs M.A. Deshpande, A.P.P. for respondents

CORAM : N.W. SAMBRE, J.

DATE : 28th October 2015

PER COURT

Heard.

2. The applicants herein are seeking pre-arrest bail in Crime No.I-129 of 2015 registered at Kotwali Police Station, Ahmednagar, for the offences punishable under Sections 420, 465, 467, 468, 469, 471 read with Section 34 of the Indian Penal Code.

3. While making out the case for pre-arrest bail, learned Counsel for the applicants would urge that at page page 43 of Criminal Application No.5636 of 2015, a sale-deed speaks of identification of parties by Amol and Dnyaneshwar wherein applicants are simple witnesses to the sale-deed and they have neither identified the parties nor beneficiaries in the sale-deed.

4. While opposing the application for pre-arrest bail, learned A.P.P. would urge that in view of the presence of the applicants at the time of sale-deed and they being signatories to the fraudulent transaction are equally responsible.

5. Having perused the contents of the first information report and considering the factual background of the case, it is the applicants herein are shown to have witnesses to the sale-deed, as is apparent from the contents of the sale-deed, particularly at page 43 of paper book of Cri.Application No.5636 of 2015. Apart from above, the applicants could have been considered as material witnesses in the case in question, wherein by impersonation, the real brother of the complainant has sold property to other parties. In my opinion, prima facie, there is no involvement of the present applicants in commission of the crime in question.

6. In view thereof, it will be appropriate in my opinion to grant pre-arrest bail to the present applicants. Hence, I proceed to pass the following order.

(I) In the event of their arrest, the applicants Dilip Laxman Gavhane and Vilas Ramchandra Tathe be released on bail in Crime No.I-129 of 2015 registered at Kotwali Police Station, Ahmednagar, for the offences punishable under Sections 420, 465, 467, 468, 469, 471 read with Section 34 of the Indian Penal Code, upon furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty-five) with one surety in the like amount, by each of them.

(II) The applicants shall attend the concerned police station on 1st and 2nd November 2015 between 10.00 a.m. and 11.00 p.m. and thereafter as and when called by the Investigating Officer.

7. Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

vvr