

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

CRIMINAL APPLICATION NO.6400 OF 2015

1. Shaikh Ayyaj s/o Shaikh Ajaj
Age 45 years, Occu. Agri.,
R/o Gadi Galli, Ahmedpur,
District Latur
 2. Bashirsab s/o Rajasab Shaikh,
Age 65 years, occu. Business
Marwadi Galli, Ahmedpur,
District Latur
 3. Sanjay s/o Narayan Mali,
Age 42 years, Occu. Agri.,
R/o Bagwan Galli, Ahmedpur,
District Latur
 4. Irfan s/o Ali Habib
Age 40 years, Occu. Business,
R/o Arab Galli, Nanded
- .. Applicants

Versus

1. The State of Maharashtra,
through Ahmedpur (city),
P.S. Taluka Ahmedpur,
District Latur
 2. The Superintendent of Police,
Latur, District Latur
- .. Respondents

Mr S.V. Warad, Advocate for applicants
Mr R.V. Dasalkar, A.P.P. for respondents
Mr S.S. Kazi, Advocate for complainant, assisting A.P.P. (appeared in Court)

CORAM : N.W. SAMBRE, J.

DATE : 18th December 2015

PER COURT

1. Heard.

2. The applicants herein are seeking pre-arrest bail in Crime No.232/2015 registered at Ahmedpur Police Station, District Latur, for the offences punishable under Section 406, 416, 418, 420, 423, 441, 463, 464, 467, 468, 471 read with Sec.34 of Indian Penal Code.

3. Learned Counsel for the applicants would urge that the applicants are falsely implicated in the crime in question, particularly in view of the appreciation of value of the property. According to him, the case of impersonation as is alleged is far away from the truth, as the sale-deed in question, which is claimed to be fraud one was executed at the behest of mother of the complainant. He would then urge that the custodial interrogation of the applicants is not necessary, as the document in question, which is claimed to be executed by impersonation is already available with the office of Sub-Registrar and applicants shall abide by such conditions, as will be ordered by this Court. He has relied upon the judgment of Apex Court in the matter of **Siddharam Satlingappa Mhetre vs State Of Maharashtra And Ors**, reported in **AIR 2011 SC 312**, so as to canvass that since the applicants are not likely to run away from the prosecution and the custodial interrogation is not necessary, they are entitled for bail.

4. With the assistance of learned A.P.P., I have perused the case diary. It is noticed that there is prima facie evidence available against the applicants in the matter of execution of sale-deed by impersonation. One of the persons, who impersonated is still not traceable.

5. The investigation is at preliminary stage.

6. In view of above, in my opinion, as there is prima facie evidence of commission of crime is available against the applicants, no case for grant of bail is made out. As such, Criminal Application stands rejected.

(N.W. SAMBRE, J.)

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