

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (ABA) No.232 of 2015
(Prabhudas Chikate and others V State of Maharashtra thr PS0 PS
Wani, Tq. wani, Dist- Yavatmal)

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

Court's or Judge's orders

[Shri S.V. Sirpurkar, Adv for applicants.
Shri M.J. Khan, APP for State.]

CORAM : A.B. CHAUDHARI, J.
DATED : 03.07.2015.

Heard the learned counsel for the
rival parties.

The applicants have been
prosecuted for the offence punishable
under Section 420 of the Indian Penal
Code in Crime No.77 of 2015. I have
perused the first Information report
[FIR]. Upon perusal of the FIR, the
allegations are, that the complainant
Pundlik Khonde was in need of
Rs. 1,50,000/-, therefore, he approached
the applicant no.1 for hand loan of Rs.
1,50,000/-. The applicant no.1 decided
to execute the mortgage deed. The
applicant /complainant is a farmer, aged
about 74 years who was taken to Sub-
Registrar by the applicant no.1 and

instead of registering the mortgage deed, a sale deed got registered from him in collusion with other accused. The value of the property of the complainant, a old farmer is around Rs. Seven lakhs.

The learned Counsel for the applicants states that, upon perusal of FIR, there is no direct evidence against the applicants and the role of applicant nos.2 and 3 was only as the witnesses to the sale deed. The applicant no.1 is a retired government servant who is in illegal money-lending business thus clearly cheated a poor, old farmer.

That being so, looking to the ugly role played by the applicant no.1, I am not inclined to grant him anticipatory bail. So far as the other applicants are concerned, they deserve to be granted anticipatory bail. Hence, I pass the following order :-

Order

A] The application filed by applicant no.1 Prabhudas Chikate for grant of anticipatory bail is rejected.

B] The application filed by applicant no. 2 Ashok Chimankar and applicant no.3 Vinod Watkar, for grant of anticipatory bail is allowed.

C] The applicant no. 2 Ashok Chimankar and applicant no.3 Vinod Watkar shall be released in the event of arrest on bail on furnishing a PR bond in the sum of Rs. 10,000/- each with one solvent surety in the like amount.

D] Interim order dated 22-05-2015 passed by this Court is vacated.

JUDGE

Deshmukh