

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.514/2015

(Rajeshwar s/o Mahadeorao Niwal and anr. ..vs.. State of Maharashtra through PSO P. S.
Yavatmal (City) Yavatmal)

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

Court's or Judge's orders.

Mr. M. R. Johrapurkar, Advocate for applicants
Mr. Jawade, A.P.P. for non applicant-State.

CORAM : A. B. CHAUDHARI, J.

DATE : DECEMBER 8, 2015.

Heard learned counsel for the parties.

In Crime No.882/2013 registered with Police Station, Yavatmal (City), Dist. Yavatmal for an offence punishable under Sections 420, 467, 468, 471 read with Section 34 of the IPC, the applicants have been arrayed as accused.

It is not in dispute that the sale deed in respect of which the impersonation is alleged to have been done was executed on 24.11.2000 and after 13 years, now, the FIR is registered against the applicants for the aforesaid offence.

Seen the FIR as well as reply filed by the non applicant-State. Para 6 of the reply filed by the non applicant-State, reads thus:

“6. The non applicant further submits that the non applicant had earlier obtained finger prints of applicants, complainant and Shyam Bhavik, who is the applicant in Criminal ABA Application

No.518/2015, however, the same has been returned by the Finger Print Expert by making some queries and compliance. Therefore the non applicant is required to take fresh finger prints of accused persons as well as complainant and witnesses Parvatibai Niwal so also the custodial interrogation has been necessary for identification by Avinash Dahake as to ascertain who signed on the name of complainant Sudha Dhawale on the day of execution of Sale Deed.”

Insofar as police custody of the applicants is concerned, para 6 shows that police requires fresh finger prints of the applicants. Care can be taken by asking the applicants to tender fresh finger prints by cooperating with the Police Station Officer. Looking to the stale claim about impersonation in respect of the sale deed dated 24.11.2000, I do not find that it is necessary to arrest the applicants.

In that view of the matter, I make the following order.

ORDER

- (i) Criminal Application No.514/2015 is allowed.
- (ii) Applicant no.1-Rajeshwar s/o Mahadeorao Niwal and applicant no.2-Sau. Shila Rajeshwar Niwal be released on bail on they executing P.R. Bond in the sum of Rs.20,000/- each with one surety each in the like amount.

(iii) The applicants shall attend Police Station, Yavatmal (City) as and when called by the Investigating Officer.

(iv) Liberty is granted to the State to issue summons to the applicants-accused for giving their finger prints, if required.

JUDGE

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