

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

CRIMINAL APPLICATION NO.902 OF 2016

Mirza Zaheer Baig s/o Anwar Baig,
Age 28 years, Occu. Service,
R/o Rohilla Galli, City Chowk Road,
Opp. Ekhana Masjeed, Aurangabad,
Taluka and District Aurangabad

..Applicant

Versus

The State of Maharashtra,
through P.I., Kannad Police Station,
Taluka Kannad, Dist. Aurangabad

..Respondent

Mr M.M. Joshi, Advocate for applicant
Mr S.Y. Mahajan, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 16th February 2016

PER COURT

Heard.

2. The applicant is seeking pre-arrest bail in Crime No.14/2016 registered at Kannad Police Station, District Aurangabad, for the offences punishable under Sections 420, 468, 471 of Indian Penal Code, for an incident dated 18th January 2016.

3. The prosecution case against the present applicant being a public servant, is working as a Clerk in the office of Sub-Divisional Officer, Kannad. Devising, one of the owners of the property was interested in getting his land converted into non-agricultural. One Sudam Shinde by promising the processing of the application for non-agriculture order, has handed him over a forged order, which was produced initially before the applicant. As a consequence whereof, F.I.R. came to be lodged.

4. While trying to make out the case for grant of pre-arrest bail, learned Counsel for the applicant would urge that the applicant is a public servant and he is the person, having noticed and received the forged order of non-agriculture, from the owner of land, in the office, brought the same to the notice of Sub-Divisional Officer, Kannad. He would then urge that the applicant is falsely implicated in the crime in question.

5. Learned A.P.P., while opposing the application would urge that the main accused Sudam Shinde was already arrested. He would then urge that the statement of the applicant is already recorded and submits that the Court may pass appropriate order in the matter.

6. I have scanned the investigation papers. The owner of the property has, in clear terms, attributed criminal intention on the part of said Sudam Shinde. The applicant is not named as accused in the said statement or otherwise, rather it is brought in the investigation that the applicant was the person, who has first time noticed the fraud and brought the same to the notice of Sub-Divisional Officer, Kannad.

7. In my opinion, the applicant being a public servant is available for investigation, as such his custodial interrogation will be hardly of any necessity. Hence, the applicant is entitled to be released on pre-arrest bail.

8. Criminal Application Stands allowed. In the event of arrest in Crime No.14/2016 registered at Kannad Police Station, District Aurangabad, for the offences punishable under Sections 420, 468, 471 of Indian Penal Code, for an incident dated 18th January 2016, the applicant be released on bail, upon furnishing P.R. Bond of Rs.10,000/- with one surety in the like amount.

9. The applicant shall attend the concerned Investigating Officer as and when called.

(N.W. SAMBRE, J.)

vvr