

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1097 OF 2016

1] Umar Bin Chaush S/o Sayeed Chaush,
Age : 36 years, Occu.: Labour,
R/o Plot No. 5-3-2-409, Pisadevi Road,
Misarwadi, Aurangabad

2] Afzal Khan S/o Asgar Khan,
Age : 32 years, Occu.: Labour,
R/o. Galli No.5, Near Ram Mandir,
Kiradpura, Aurangabad

.. Applicants

VERSUS

The State of Maharashtra
Through CIDCO Police Station,
Aurangabad, District : Aurangabad

.. Respondent

Mr. Mrigesh D. Narwadkar, Advocate for the applicants
Mr. U.S. Mote, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 15/03/2016

ORAL ORDER :

Heard both sides.

2. The present applicants, who are apprehending arrest at the hands of CIDCO Police Station, Dist. Aurangabad in crime no. 54 of 2016 for the offences punishable under section 420, 467, 468, 471 r/w. 34 of the Indian Penal Code, are praying for their release on bail, in the event of their arrest.

3. The complaint of Maltibai Surana would show that she had purchased the plots in question by a registered sale deed on 09/05/1988. It was however found that in the year 2002, one Javed Khan Taher Khan had purchased the plots on the basis of agreement for sale, whereupon the signature of the complainant – Maltibai is forged. Thereafter, on 03/05/2011, said Javed Khan had sold these plots to one Maulana Abdul Majid Mohammed Kasim and the present applicants are the attesting witnesses to the last of the sale deed. Therefore, they are also arrayed as the accused.

4. Learned counsel for the applicants submits that Javed Khan Taher Khan has been already arrested by the Investigating Officer and he is released on regular bail by the Court. He submits that the present applicants have no role to play in any of the criminal activities, as alleged by the prosecution.

5. Learned A.P.P. opposed the application.

6. Considering all the facts on record, in my view, the custodial interrogation of the present applicants is not required. In the circumstances, the

following order:-

7. In the event of the arrest of the applicants in crime no. 54 of 2016 registered at CIDCO Police Station, Dist. Aurangabad for the offences punishable under section 420, 467, 468, 471 r/w. 34 of the Indian Penal Code, each of them be released on bail, upon their executing P.R. bonds in the sum of Rs.15,000/- (Rs. Fifteen Thousand) each and also upon furnishing surety each in the like amount.

8. The applicants shall attend the Investigating Officer, as and when reasonably called by him for the purposes of investigation/interrogation.

9. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/