

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1718 OF 2016

- 1] Shaikh Zafar S/o Shaikh Yasin,
 Age : 39 years, R/o Sillod,
 Dist. Aurangabad
- 2] Salim Khan S/o Yousuf Khan Pathan,
 Age : 38 years,
 R/o Sillod, Dist. Aurangabad .. Applicants

Vs.

The State of Maharashtra
 Through Sillod City Police Station,
 Aurangabad .. Respondent

AND

CRIMINAL APPLICATION NO. 1562 OF 2016

Abdul Majeed S/o Abdul Sattar,
 Age : 52 years, Occu.: Business,
 R/o Sajid Tower, Jalgaon Bypass Road,
 In front of Palace Hotel, Bilal Nagar,
 Sillod, Tq. Sillod, Dist. Aurangabad .. Applicant

Vs.

The State of Maharashtra
 Through Police Inspector,
 Sillod Police Station,
 Tq. Sillod (City),
 Dist. Aurangabad .. Respondent

Mr. J.V. Deshpande, Advocate for the applicant (1718/2016)
 Mr. Khizer Patel, Advocate for the applicant (1562/2016)
 Mr. A.S. Shinde, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 01/04/2016

ORAL ORDER :

Heard both sides.

2. The applicants in both the applications, who are apprehending arrest at the hands of Sillod (City) Police Station, Dist. Aurangabad in crime no. 12 of 2016 for the offences punishable under section 420, 465, 467, 468 r/w. 34 of the Indian Penal Code, are praying for their release on bail, in the event of their arrest.

3. The complaint would show that the present applicants have cheated the complainant by showing additional plot, as plot no.128, though only plots upto plot no.127 were sanctioned and even the said plot was sold to another person.

4. Both the learned counsel for the applicants submit that in-fact, it is the civil dispute. The plot in question was admittedly sold for Rs.1,20,000/- on 16/8/2013. In the circumstances, they submit that since the custodial interrogation of the applicants is not required, they may be released on anticipatory bail.

5. Learned A.P.P. opposed the applications.

6. Considering all the material on record and since the applicants have shown their readiness to deposit an amount of Rs.50,000/- (Rs. Fifty Thousand) each in the trial Court, within a period of three (3) weeks from the date of this order, the following order:-

7. Both the applications are hereby allowed.

8. In the event of the arrest of the applicants in crime no. 12 of 2016 registered at Sillod (City) Police Station, Dist. Aurangabad for the offences punishable under section 420, 465, 467, 468 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.

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

10. The above order is passed on the condition that each of the present applicants shall deposit an amount of Rs.50,000/- (Rs. Fifty Thousand) in the Court

of learned J.M.F.C, where the chargesheet would be filed, within a period of three (3) weeks from the date of this order. The said order shall be subject to the order that may be passed by the learned Judicial Magistrate First Class on the merit of the case.

11. Both application stand disposed off.

[M.T. JOSHI]
JUDGE

arp/