

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

CRIMINAL APPLICATION NO.3706 OF 2016

1. Jeewan s/o Ramrao Gaund,
Age 70 years, Occu. Chairman,
Vividh Karyakari Seva Sahakari
Society, Jamb (Bk.),
R/o At Post Jamb (Bk),
Taluka Mukhed, Dist. Nanded
 2. Shadul s/o Mansur Pinjari,
Age 32 years, Occu. Secretary,
Vividh Karyakari Seva Sahakari
Society, Jamb (Bk.),
R/o At Post Jamb (Bk.),
Taluka Mukhed, Dist. Nanded
- ..Applicants

Versus

1. The State of Maharashtra,
 2. The Police Inspector/Investigation
Officer, Police Station, Mukhed,
Taluka Mukhed, Dist. Nanded
- ..Respondents

Mr S.K. Savangikar, Advocate for applicants
Mr S.D. Ghayal, A.P.P. for respondents

CORAM : V.K. JADHAV, J.

DATE : 19th July 2016

PER COURT

Heard learned Counsel for the applicants and learned A.P.P. for respondents.

2. The applicants are seeking pre-arrest bail in connection with Crime No.8/2016 registered at Mukhed Police Station, District Nanded, for the offences punishable under Sections 420, 467, 468, 469, 471, 474 and 120 (B) read with Sec.34 of the Indian Penal Code.

3. The application filed by the present applicants with similar prayer came to be rejected by the Additional Sessions Judge, Kandhar vide order dated 9th February 2016 passed below Exh.1 in Criminal Application No.10 of 2016.

4. On the basis of the complaint lodged by one Sanjay Baburao Yarpudwar dated 28th September 2015, the aforesaid crime came to be registered at Police Station, Mukhed. It has alleged in the complaint that the accused have illegally grabbed the property of the Vividh Karyakari Seva Sahakari Society. It has also alleged in the complaint that original accused No.1 Sitaram is illegally in possession of the property of the society. It has also alleged in the complaint that both the accused in furtherance of their common intention committed the offence of forgery by creating the false documents and accordingly, occupied the said property illegally.

5. Learned Counsel for the applicants submits that the complaint came to be lodged in the year 2015 for the offence alleged to have been committed during the period from 19th November 1993 to 18th January 1997. He submits that the applicant No.1 is presently the Chairman of the said society and applicant No.2 is the Secretary. It has alleged that the original accused No.1 Sitaram Shankar More is mainly responsible, however, no action has been taken against him by the applicants.

6. The learned A.P.P. submits that as per the report submitted by the Investigating Officer, the charge-sheet is being submitted against the original accused No.1 - Sitaram and there is no evidence at all against the present applicants.

7. In view of above, I proceed to pass the following order :

ORDER

(I) Criminal Application is hereby allowed.

(II) in the event of arrest in connection with Crime No.8/2016 registered at Mukhed Police Station, District Nanded, for the offences punishable under Sections 420, 467, 468, 469, 471, 474 and 120 (B) read with Sec.34 of the Indian Penal Code, the applicant No.1 - Jeewan s/o Ramrao Gaund and applicant No.2 - Shadul s/o Mansur Pinjari be released on bail, on furnishing personal bond of Rs.5,000/- each with one surety of the like amount.

8. Criminal Application stands disposed of accordingly.

(V.K. JADHAV, J.)

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