

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

Criminal Application No. 4861 of 2016

District : Nanded

Mohammed Athar s/o. Mohammed Abdul
Gafoor,
Aged : 66 years,
Occupation : Nil,
R/o. Mohalla Sayyadna Holi,
Nanded,
Taluka & District : Nanded.

.. Applicant.

versus

The State of Maharashtra,
Through Police Station Officer,
Itwara Police Station, Nanded.

.. Respondent.

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Mr. Mohsin Khan, Advocate, for the applicant.

*Mrs. V.N. Patil (Jadhav), Addl. Public Prosecutor,
for the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 26TH SEPTEMBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 159/2015 registered with Itwara Police Station, Nanded, District Nanded, for offences punishable under Sections 420, 467 and 468 of the Indian Penal Code, by this application, is seeking pre-arrest bail.

2. Heard the learned Counsel for the applicant / accused. He argued that the FIR itself shows that the applicant is a witness to the transaction in question and he has no role either in receiving the consideration or in persuading the informant to purchase the plot in question.

3. The learned Addl. Public Prosecutor submitted that the Investigation Officer is out of the State and therefore despite efforts, she could not get papers of investigation.

4. Sufficient chances are already granted to the respondent to contest the application. As such the application is being considered on the basis of available record.

5. Perusal of the record itself shows that the applicant was a witness to the transaction. No overt act is attributed to him. It is not alleged that the applicant had indulged in forgery of valuable documents or cheating the informant.

6. In this view of the matter, custodial interrogation of the applicant is not warranted. Hence, the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in the event of his arrest in the above crime, be released on bail on his executing P.R. Bond in the sum of Rs. 10,000/- and on furnishing one or more solvent sureties of the like amount.

(c) As conditions of this order, the applicant shall abide by the following directions :-

(i) The applicant shall make himself available for investigation / interrogation as and when reasonably called by the Investigation Officer for investigation of the crime in question.

(ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(iii) The applicant shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial, in the event of filing charge-sheet, if any, in future against him.

(iv) The applicant shall not repeat

commission of similar type of offences in future.

7. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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