

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

**Criminal Application No. 4939 of 2016**

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| District : Aurangabad |
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Santosh s/o. Balanna Yadav,  
Age : 36 years,  
Occupation : Service,  
R/o. Shambhu Nagar,  
Gadiya Vihar,  
Aurangabad.

.. Applicant.

**versus**

1. The State of Maharashtra.

2. The Superintendent of Police,  
Aurangabad.

. Respondents.

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*Mr. D.S. Manorkar, Advocate, for the applicant.*

*Mr. A.S. Shinde, Addl. Public Prosecutor, for  
respondent nos.1 and 2.*

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**CORAM : A.M. BADAR, J.**

**DATE : 19TH SEPTEMBER 2016**

**ORAL ORDER:**

The applicant / accused in Crime No. 135/2016 for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, registered with Osmanpura Police Station, Aurangabad,

at the instance of Anil s/o. Sakharam Narsikar, by this application, is seeking pre-arrest bail.

2. Heard the learned Counsel appearing for the applicant / accused as well as the learned Addl. Public Prosecutor appearing for respondents / State and its authority.

3. The learned Addl. Public Prosecutor opposed the application by contending that statements of the informant as well as his relatives shows that the applicant had cheated the informant by selling land of the informant as shown in P.R. Card No. 14813/104 by showing it to be the land comprising City Survey No. 16029/1.

4. Perused the FIR lodged by informant Anil Narsikar as well as the record made available. According to informant Anil Narsikar, his father had purchased 40 Gunthas land from Survey No.48 of Gajanannagar, Usmanpura, Aurangabad. Some portion of the land from this purchased land was under reservation for primary school. Some portion of the land was then sold by carving out 18 flats. According to the informant, still 469.4 Square Metres land remained with him and it was bearing Property Card No. 14813/104. According to the informant, the present applicant had sold out the said land by showing it to be the land comprising City Survey No.

16029/1.

5. Even if averments in the FIR are accepted, the transaction appears predominantly of civil nature concerning boundaries of the land. According to the learned Counsel for the applicant, the applicant is in fact owner of the property bearing Survey No. 16029/1 by way of succession on death of Kamlabai. Along with the application, the applicant has placed on record the property card showing his ownership over the land.

6. In that view of the matter, custodial interrogation of the present applicant is not warranted.

7. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The order dated 1st September 2016, granting ad interim anticipatory bail to the applicant, is confirmed on the same terms and conditions. In addition, the applicant shall attend concerned Police Station on 25th September 2016, in between 11.00 a.m. and 01.00 p.m. and he shall cooperate the Investigating Officer in investigation of the crime in question.

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

( A.M. BADAR )  
JUDGE

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