

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

8 CRIMINAL APPLICATION NO. 5090 OF 2016

ASHOK S/O RAMCHANDRA DHATRAK

VERSUS

THE STATE OF MAHARASHTRA

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Mr. Y.B.Bolkar, Advocate for Applicant.

Mrs. V.N.Patil (Jadhav), A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 23rd SEPTEMBER, 2016

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PER COURT :

1. The applicant/accused in Crime No. 160/2016 registered at Dhule City police station, Dhule, Dist. Dhule for the offences punishable u/ss 420,120-B,465,468,471,474 of the Indian Penal Code, by this application is praying for releasing him on bail.

2. Heard learned counsel for the applicant/accused. He argued that the applicant is neither signatory to the sale deed in question nor he is vendor or vendee of the filed in question.

3. The learned A.P.P. opposed the application by contending that Sakharam Dhangar made statement that when the parties were executing the sale deed, the applicant was present there. The learned A.P.P. further argued that Sakharam Dhangar questioned the parties as to how the field can be sold out when it is owned by Nandlal Mundada. According to the learned A.P.P., Sakharam again reiterated these facts before the present applicant on the next day also.

4. Perused the papers of investigation including the F.I.R. lodged by Shriram Mundada. After the death of Nandlal Tulshiram Mundada [Marwadi], his son i.e. informant Shriram and Pradip Mundada, the nephew of the informant became owner of the field in question. Taking the advantage of the similarity of names, accused Nandlal Tulshiram Shinde tampered with the revenue record and created the revenue record showing ownership over the land in question of Nandlal Tulshiram. Surname Mundada is deleted from the revenue record. Then the field in question was sold out by Nandlal Tulshiram Shinde to get benefits with the help of forged document. So far as the applicant is concerned, the F.I.R. shows that his help was taken. Statement of witness Sakharam Dhangar shows mere presence of the applicant at the office of Sub Registrar. The applicant being the stamp vendor, there is nothing doubtful about this.

5. Be that as it may, as the present applicant is under M.R.C. and the offence is based on documentary evidence, considering the limited role ascribed to him, liberty

can be restored to him. Hence, the following order.

(i) The application is allowed.

(ii) The applicant Ashok s/o Ramchandra Dhatrak in Crime No. 160/2016 registered at Dhule City police station, Dhule, Dist. Dhule for the offences punishable u/ss 420,120-B,465,468,471,474 of the Indian Penal Code be released on bail on executing P.R. Bond of Rs. 20,000/- [Rupees Twenty Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicant shall not tamper the evidence of the prosecution.

[A.M.BADAR, J.]