

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

CRIMINAL APPLICATION NO.5207 OF 2015

Bajrang s/o Bander Rao Kale
Age 62 years, Occu. Retired
R/o Plot No.36, Alok Nagar,
New Ayyappa Mandir,
Satara Parisar, Aurangabad

..Applicant

Versus

The State of Maharashtra,
through Khultabad Police Station,
Taluka Khultabad, Dist.Aurangabad

..Respondent

Mr J.V. Deshpande, Advocate for applicant
Mr M.B. Bharaswadkar, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 5th January 2016

PER COURT

Heard.

2. The applicant is seeking pre-arrest bail in Crime No.I-69/2014 registered on 2nd May 2014 at Khultabad Police Station, District Aurangabad, for the offences punishable under Section 420, 465, 467, 468, 471, 120-A read with Sec.34 of Indian Penal Code, in relation to an offence pertaining to carrying out illegal entry.

3. The applicant, at the relevant time was serving as Circle Inspector and in view of powers conferred in him under the Maharashtra Land Revenue Code, he has sanctioned mutation entry, which is claimed to be based on bogus partition deed.

4. Learned Counsel for the applicant submits that the beneficiaries and the Talathi, who have forwarded the proposal for approval of entry are already granted pre-arrest bail.

5. While opposing the application, learned A.P.P. would urge that the report of the Tahsildar speaks of non-compliance of prescribed procedure while sanctioning the entry. According to him, custodial interrogation of the applicant is necessary.

6. Having perused the case papers, it is noted that the beneficiaries are already released by order dated 3rd August 2015 passed by the Additional Sessions Judge, Aurangabad. The Talathi who has taken the entry is also released on pre-arrest bail by the Sessions Court. Apart from above, the applicant stood retired tow and half years back. In view thereof, the applicant is entitled to be released on bail. Hence, I proceed to pass the following order.

(I) In the event of his arrest in Crime No.I-69/2014 registered at Khultabad Police Station, District Aurangabad, for the offences punishable under Section 420, 465, 467, 468, 471, 120-A read with Sec.34 of Indian Penal Code, the applicant be released on bail upon furnishing P.R. Bond of Rs.15,000 (Rs. Fifteen thousand) with one surety in the like amount.

(II) The applicant shall attend the concerned Police Station on 19th and 20th January 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called by the Investigating Officer.

7. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

vvr