

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

Criminal Application No. 5442 of 2016

District : Dhule

Suresh Paulad Patil,
Age : 68 years,
Occupation : Agriculture,
R/o. Mohadi Upanagar, Dhule,
Taluka and District : Dhule. .. Applicant.

versus

The State of Maharashtra,
Through Dhule City Police Station,
Dhule, Taluka & District : Dhule. .. Respondent.

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Mr. Amol S. Sawant, Advocate, for the applicant.

*Mr. S.J. Salgare, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 5TH OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 160/2016 registered with Dhule city Police Station, District Dhule, for offences punishable under Section 420, 120B, 465, 468, 471 and 474 of the Indian Penal Code, by this application, is seeking his release on bail.

2. Heard the learned Counsel appearing for the applicant / accused. By drawing my attention to the 7/12 extract of the field in question of years 1952-53 and 1953-54, the learned Counsel argued that since beginning the 7/12 extract of the field in question is in the name of "Nandlal Tulshiram". With this record, according to the learned Counsel for the applicant, the applicant had purchased land from his vendor Nandlal Tulshiram. The learned Counsel further argued that now the investigation is virtually over and considering the nature of allegations against the applicant, further pre-trial detention of the applicant is not warranted.

3. The learned Addl. Public Prosecutor opposed the application by contending that there is no such person by name "Nandlal Tulshiram" and it is the applicant, who is beneficiary of the transaction, has forged the record and got the sale deed of the land in the question executed in his favour by setting up a fictitious person.

4. Perused papers of investigation including the FIR lodged by Shriram s/o. Nandlal Mundada. After death of his father Nandlal Tulshiram Mundada (Marwadi), informant Shriram and Pradip s/o. Bhausaheb Mundada became owner of the field in question. According to the prosecution case, taking

advantage of similarity of names, accused persons tampered revenue record and created forged revenue record in the name of "Nandlal Tulshiram" showing as owner of the field in question. Thereafter, the same was purchased by the present applicant.

5. Perusal of papers of investigation shows that virtually the investigation is over and formality of filing charge-sheet remained. The applicant is already behind the bar. Considering the nature of offences, I see no reason to refuse bail to the applicant.

6. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in the above crime, be released on bail on his executing P.R. Bond in the sum of Rs. 30,000/- and on furnishing one or more solvent sureties of the like amount, on the following conditions :-

(i) 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.

(ii) 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, against him.

(iii) 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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