

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

CRIMINAL APPLICATION NO.5942 OF 2015

1. Vithal Kishan Godke,
Age 38 years, Occu.Business,
resident of Phule Ambedkar
Nagar, Taroda (Bk), Taluka
and District Nanded
2. Madhav Balajirao Shinde,
Age 35 years, Occu. Business,
resident of Dattanagar Bhag,
Nanded ..Applicants

Versus

- . The State of Maharashtra,
through Police Station,
Shivajinagar, Nanded ..Respondent

- WITH -

CRIMINAL APPLICATION NO.5950 OF 2015

1. Kazi Siddiqui Mohiuddin,
s/o Kazi Muniroddin,
Age 65 years,
Occupation Pensioner,
resident of 5-4-137,
Kazi Galli, Sarafa, Nanded
2. Syed Rizwan s/o Syed Gaffar
@ Jani, age 26 years,
Occupation Labour,
resident of Labour Colony,
Nanded ..Applicants

Versus

- . The State of Maharashtra,
through Police Station,
Shivajinagar, Nanded ..Respondent

- WITH -

CRIMINAL APPLICATION NO.5977 OF 2015

1. Devidas Mahadu Sadawarte,

Age 48 years, Occu. Business,
resident of Patbandhare Nagar,
Nanded

2. Balaji Ramchandra Shinde,
Age 60 years, Occu.Business,
resident of Vinayaknagar,
Nanded

..Applicants

Versus

- . The State of Maharashtra,
through Police Station,
Shivajinagar, Nanded

..Respondent

Mrs A.N. Ansari, Advocate for applicants
Mr S.Y. Mahajan, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 6th January 2016

PER COURT

Heard.

2. Pursuant to a complaint under Section 156 (3) of the Code of Criminal Procedure, offence punishable under Sections 465, 468, 471 read with sec.34 of the Indian Penal Code came to be registered against the applicants vide Crime No.129 of 2015 at Shivajinagar Police Station, Nanded.

3. It is claimed in the F.I.R. that the alleged incident took place some time on 11th February 2014 for which the offence came to be registered on 12th August 2015.

4. In this background, learned Counsel for the applicants would urge that the Investigating Officer has seized the original copy of the instrument, which is claimed to be a bogus document. According to him, the applicants appeared before the Investigating Officer and have co-operated in the investigation.

5. The nature of allegations, according to applicants, if are analysed, clearly speaks of the civil dispute between the parties.

6. Learned A.P.P. opposed the applications on the ground that the custodial interrogation of the applicants is necessary for obtaining the specimen signatures and for the investigation. Learned Counsel for the applicants fairly concedes that all the applicants will appear before the Investigating Officer on 18th January 2016 and shall furnish their specimen signatures and shall also produce such documents, as shall be necessary.

7. In this background, I have examined the investigation papers.

8. Prima facie, it appears that the F.I.R. came to be lodged in relation to the transaction of immovable property. The transaction appears to be nature of civil dispute and in my opinion, once the Investigating Officer has seized the original instrument, further custody of the applicants is not necessary. In view thereof, the applicants are entitled to be released on bail. Hence, I proceed to pass the following order.

(I) In the event of their arrest in Crime No.129 of 2015, registered at Shivajinagar Police Station, District Nanded, for the offence punishable under Sections 465, 468, 471 read with sec. 34 of the Indian Penal Code, the applicants be released on bail, upon furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount, by each of them.

(II) The applicants shall attend the concerned Police Station on 18th, 19th and 20th January 2016 between 10.00 am and 12.00 noon and thereafter, as and when called by the Investigating Officer.

9. Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

vvr