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

CRIMINAL APPLICATION NO. 6808 OF 2015

Namdev s/o Makuram Mansawale ..APPLICANT

VERSUS

The State of Maharashtra & ors. ..RESPONDENTS

Mr K.K. Kulkarni, Advocate for applicant;
Mr M.B. Bharaswadkar, Addl. Public Prosecutor for respondents;
Mr K.S. Bhore, Advocate to assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 22nd February, 2016

ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicant seeks his release on pre-arrest bail, in connection with C.R. No.95 of 2015, registered with police station, Tamalwadi, Taluka Tuljapur, Dist. Osmanabad, for offences punishable under sections 420, 406, 468, 471 of 506 read with section 34 of the Indian Penal Code.

2. Learned Counsel appearing on behalf of the applicant has raised a ground of delay of about six years in lodging the first information report, for which the complainant has claimed that since he was out of the State (residing at Goa), was unable to lodge the first information report within time, having noticed commission of offence in question belatedly. Learned Counsel then would urge that there is a civil suit filed by the applicant in relation to the transaction in question.

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3. According to the learned Counsel, entire documents are available on record. It is claimed that the complainant's real brother, who is no more, was instrumental in executing the sale deed in question.

4. Learned Addl. Public Prosecutor opposed the application on the ground that looking to the nature of allegations in the first information report, custodial interrogation of the applicant is necessary. Mr Gore, learned Counsel appearing on behalf of the complainant was also heard through Addl. Public Prosecutor, who has submitted that that applicant's custodial interrogation is necessary in order to find out the identity of the person, who impersonated in execution of the sale deed of the land belonging to the complainant.

5. Perused the investigation papers. It is not in dispute that the issue as regards execution of the sale deed of immovable property owned by the complainant, by impersonation, is already a subject-matter of civil proceedings.

6. Apart from above, it is required to be noted that the complainant himself has blamed that his brother who was instrumental for the transaction in question, is no more.

7. Looking to the fact that the entire documents pertaining to the transaction in question are available and having regard to the above

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referred observations, in my opinion, the applicant is entitled for protection.

I, therefore, pass following order :-

In the event of arrest of the applicant, in connection with C.R. No.95 of 2015, registered with police station, Tamalwadi, Taluka Tuljapur, Dist. Osmanabad, for offences punishable under sections 420, 406, 468, 471 of 506 read with section 34 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicant shall attend the concerned police station initially from 27th to 29th February, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

The applicant shall not interfere with the investigation or impress upon the prosecution witnesses.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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