

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

CRIMINAL APPLICATION NO. 2800 OF 2017

Syed Hidayat s/o Syed Lal
Hashmi

... Applicant

VERSUS

The State of Maharashtra & ors. ... Respondents

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Mr. M.M.Chaudhari, advocate for the applicant
Mr. K.N.Lokhande, A.P.P for respondents

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CORAM : K.L.WADANE, J.

DATED : 19th JUNE, 2017

O R D E R :

Heard, the learned counsel for the applicant and the learned A.P.P. for respondents.

2. On the basis of the information given by one Deepak Deshpande, Assistant Registrar, Udgir, Crime No. 52 of 2017 is registered against the applicant at Udigr City police station for the offences punishable under Sections 420, 467, 471 of the I.P.C. and under Sections 82 and 83 of the Registration Act. The allegations against the applicant are that while registration of the Sale

Deed No. 1001/2008 he attached the N.A. permission order in respect of Survey No. 8/2 and 8/3 situated at Nideban of the land owned by one Ganesh Reddy Sangareddy Kalmukale and the present applicant has altered the Survey Number mentioned in the N.A. order to 6/1 and the name of the original owner Ganesh Reddy Sangareddy Kalmukale is also altered and the applicant has also mentioned his name and on the basis of said N.A. order he disposed of so many plots from survey no.6/1.

3. Heard the learned counsel appearing for the applicant. During the course of the argument Mr. Choudhari, learned counsel for the applicant has referred so many documents showing that there was dispute between present applicant and his brother since long. His brother has filed various complaints before various authorities about alleged fabrication of said N.A. order, however all the authorities have turned down his request and all the time the brother of the applicant was directed to approach the appropriate authority or

the court for redressal of his grievance. Ultimately, the learned Collector, Latur has directed the Assistant Registrar, Udgir to lodge first information report. Accordingly, the complainant Mr. Deshpande lodged the complaint for the offence as aforesaid.

4. The learned A.P.P. submits that the custody of the present applicant is required for the purpose of recovery of the said NA order.

5. Looking to the allegations against the present applicant, it appears that the alleged period of commission of offence is between 23/1/2008 to 23/03/2008 and after litigation between present applicant and his brother the first information report was lodged on 28/03/2017. It is material to note that the purchasers of the plot have not lodged complaint against the present applicant about the forgery of N.A. order. The present complaint appears to be the outcome of litigation between the applicant and his brother. Further more, all the relevant documents are in the office of the Sub-Registrar. The Investigating

Officer can very well seize the said documents, if required. Therefore, custodial interrogation of the applicant is not necessary. In view of the allegations against the present applicant and the fact that the disputes between present applicant and his brother is going on since long, the applicant can be protected from his arrest. Hence, the following order.

- (i) Criminal Application is allowed.
- (ii) Applicant be released on bail in the event of his arrest in connection with Crime No. 52/2017 registered at Udgir City police station on furnishing P.R. bond of Rs. 15,000/- with one surety in the like amount.
- (iii) Applicant is directed to cooperate in further investigation.

6. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm/crap2800.17