

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

CRIMINAL APPLICATION NO. 2908 OF 2017

Kazi Anjar Mohibuddin
s/o Kazi Mojeebuddin ... Applicant

VERSUS

The State of Maharashtra ... Respondent

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Mr. T.W.Pathan, advocate for the applicant
Mr. A.A.Jagatkar, A.P.P for respondent
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CORAM : K.L.WADANE, J.
DATED : 28th JUNE, 2017

O R D E R :

Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. The present application is filed by the applicant under the provisions of Section 438 of the Criminal Procedure Code in connection with Crime No. 38/2017 registered with Itwara Police Station, District Nanded for the offences punishable under Sections 420, 465, 468, 471 r/w 34 of I.P.C.

3. The complainant Shamim Sultana d/o Mahmood Ali Khan, resident of Degloor Naka, Nanded lodged

a complaint with the police on 8.2.2017 alleging that there was an agreement between her and Zilla Parishad in reference to the rent of premises, however, the accused persons without intimation to the complainant vacated the Premises/School. On enquiry the accused persons were avoiding to answer. On the contrary, the accused persons by submitting false document, purported to be signed by the complainant, before the Zilla Parishad, have cheated the complainant.

4. The learned A.P.P. submits that at the relevant time of transaction, present applicant was Assistant Teacher and one Shabana Begum was the Head Mistress of the School. The witnesses have not stated anything against the applicant. In view of the above, there are no specific allegations against the present applicant as to what he has actually done in reference to the fabrication of the document which allegedly was submitted to the Zilla Parishad.

5. In absence of the specific allegations and witnesses not having stated anything against the

applicant, the applicant is entitled for pre-arrest bail. Hence the following order:

(i) Criminal Application is allowed.

(ii) In the event of his arrest, applicant be released on bail, in connection with Crime No. 38/2017 registered with Itwara Police Station, District Nanded on furnishing P.R. bond of Rs. 5,000/- with one surety in the like amount.

6. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm