

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3451 OF 2017

Yasmeen Sultana d/o Md. Fazlulla ... **Applicant.**
Khan, Age 56 years, Occ.
Government service, R/o. Labour
Colony Nanded, District Nanded.

V E R S U S

The State of Maharashtra. ... **Respondent.**

Mr. Samir Shaikh, learned Advocate for the Applicant.
Mr. K.N. Lokhande, A.P.P. for the respondent/State

CORAM : K.L. WADANE, J.

DATE : 27th July, 2017

ORDER :

1. Heard Mr. Shaikh, learned counsel appearing for the applicants and Mr. Lokhande, learned APP appearing for the respondent/state.

2. The present application is filed under section 438 of the Code of Criminal Procedure in connection with Crime No. 38/2017 registered with Itwara Police Station, District Nanded for the offences punishable under section 420, 465, 468, 471 read with section 34 of the Indian Penal Code.

3. Complainant Shamim Sultana D/o Md. Ali Khan lodged a complaint on 08.02.2017 to the police station alleging that, there was an agreement between her and Zilla Parishad in regards to the rent of the premises. However, accused persons without intimation to the complainant vacated the premises/school. On enquiry the accused persons were avoiding to answer the complainant and by submitting false documents purported to be signed by the complainant before the Zilla Parishad, have cheated the complainant.

4. Learned APP submits that, at the relevant time the present applicant was Head Mistress of the concerned school and during her tenure there was fabrication of certain documents i.e. application dated 09.03.2016. Based upon that application, the accused persons have vacated the premises without following the terms and conditions of the agreement.

5. Mr. Shaikh learned counsel submits that now the applicant is transferred from that school and presently she is serving at Zilla Primary School Sangavi as a Head Mistress. Therefore, probably all the alleged fabricated documents must be in the school

and therefore investigating officer very well attach those documents, if required for the investigation.

6. From the application dated 09.03.2016 it appears that, there was dispute between the complainant/landlord of the premises and the Management regarding payment of the rent. The complainant was insisting to pay the rent as same was required for the purpose of maintenance of the premises. Any how, the custodial interrogation of the present applicant is not at all required. Alleged fabricated documents are with the concerned school. The applicant is not a beneficiary due to the fabrication of any record. In such circumstances, the applicant can be protected from her arrest. Hence, following order.

O R D E R.

(1) Application is allowed.

(2) In the event of arrest of the applicant in connection with Crime No.38 of 2017, registered with Itwara Police station, District Nanded, she be released on bail on her furnishing P.R. bond of Rs.

10,000/- (Rupees ten thousand only), with one surety in the like amount.

(3) The applicant shall attend the police station Itwara for the purpose of investigation as and when called by the investigating.

7. Criminal Application is disposed-of.

(K.L. WADANE, J.)

mkd/-