

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 333 OF 2017

Jabir Khan Sattar Khan and anr.	.. Appellants
Vs.	
State of Maharashtra	.. Respondent

Mr.N.R.Bubna, for the Appellants.
Mr.H.J.Dedia, APP for State.

**CORAM : SMT. V.K.TAHILRAMANI &
M.S.KARNIK, JJ.**

26th APRIL, 2017

ORAL ORDER (PER SMT. V.K.TAHILRAMANI) :

1. Heard both sides.
2. This Appeal has been preferred by the appellants against the order dated 01/03/2017 passed by the Additional Sessions Judge, Malegaon in Criminal Bail Application No. 106 of 2017 which had been preferred by the appellants seeking anticipatory bail. The appellants were seeking anticipatory bail in C.R. No. 109 of 2016 registered with Azadnagar police station, Malegaon. The said case is under sections 383, 384, 389, 420, 463, 464, 465, 467, 468 and 470 of IPC. By the said

order, the anticipatory bail application of the appellants came to be rejected.

3. It is the case of the complainant that he belongs to Scheduled Tribe. On 19/03/2010 he entered into an agreement with appellant No.1 to sell 91R of land bearing survey No. 199/2 within the jurisdiction of Malegaon Municipal Corporation. Earnest money of Rs.30,000/- was to be paid to the complainant. In the said agreement, it was agreed that consideration of Rs.12,00,000/- was to be paid and on the date of registration of the agreement, the final agreement was to be drawn and remaining amount was to be paid. The said piece of land is an agricultural land. It is further the case of the complainant that by public notice dated 28/08/2010 which was published in the newspaper, he rescinded the said agreement. However, on 11/04/2016, appellant No.1 sold the land to appellant No.2 by entering into an agreement. In view of the fact that the earlier agreement dated 19/03/2010 was rescinded by public notice which was published in the newspaper on

28/08/2010, the land could not have been sold by appellant No.1 to appellant No.2. The case of the complainant is that the appellant took disadvantage of his illiteracy and obtained the signature and thumb impression on the documents in order to grab his land. It is further the case of the complainant that the appellant prepared false and bogus documents to deprive him of his property. As stated earlier, it is the case of the complainant that he belongs to Scheduled Tribe.

4. At this stage, learned Counsel for the appellants submitted that both the appellants belong to Scheduled Tribe and hence, Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 would not be attracted. Assuming this is so, even otherwise offence is of very serious nature involving forgery and cheating. Hence, no case is made out for anticipatory bail. In this view of the matter, we do not find that this is a fit case to grant anticipatory bail. Hence, Appeal is dismissed.

(M.S.KARNIK, J.)

(SMT. V.K.TAHILRAMANI, J.)