

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRI. APPLICATION (ABA) NO. 376 OF 2017

(FIROZ KHAN USMAN KHAN...VS.. STATE OF MAH. THR. P.S.O. PS NER, DISTT. YAVATMAL)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.P.Khajanchi, Advocate for Applicant.
Shri A.M.Deshpande, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 08, 2017.

Heard.

On notice Shri A.M. Deshpande, Additional Public
Prosecutor has put in appearance.

The applicant seeks pre-arrest bail in crime registered against him for the offences punishable under Sections 344, 345, 406, 465, 468, 418, 420 and 423 read with Section 34 of the Indian Penal Code. The crime is registered against the applicant pursuant to order passed by learned Magistrate under Section 156(3) of the Code of Criminal Procedure. The applicant had earlier filed Criminal Application (ABA) No.840 of 2006 seeking pre-arrest bail, however, it is dismissed by this Court on 5th June, 2017 as the applicant had not made any averment regarding the antecedents. However, the applicant was granted liberty to file fresh application. Accordingly, the applicant has filed this application.

According to the Investigating Agency, the applicant has purchased agricultural land from Mehbood Khan on the basis of the power of attorney which was given by Mehboob Khan in the name of father of the applicant. The complainant has alleged that her mother is having share in the property. Regular Civil Suit No. 25 of 2016 filed by the applicant seeking decree for permanent injunction against the complainant Manda is pending for adjudication and in that suit these issues are involved.

Considering the facts of the case, I am of the view that the applicant is entitled for pre-arrest bail.

Hence, the following order:

In the event of arrest in Crime No.411 of 2016, registered by the non-applicant, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs.Twenty Five Thousand and one solvent surety in the like amount.

The application is **allowed** in the above terms.

JUDGE