

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

CRIMINAL APPLICATION (ABA) NO. 477 OF 2017

(PRAKASH MAROTI HAGE AND ANOTHER...VS.. STATE OF MAH. THR. P.S.O. PS JALGAONJAMOD,
DISTT.BULDHANA)

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

Court's or Judge's orders

Shri A. D. Bhate, Advocate for Applicant.
Shri N. R. Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 6th JULY, 2017.

Heard.

The applicants (real brothers) seek pre-arrest bail, apprehending arrest in connection with crime registered against them for the offences punishable under Sections 420, 465, 466, 467, 468, 471 read with Section 34 of the Indian Penal Code, on the accusations that they have fabricated a document showing that lease of a piece of government land is granted in their favour.

The facts on record show that the applicants conducted petty business of selling tea near the office of Tahsildar, they were sought to be evicted, they had filed Writ Petition No.2521 of 2014 before this Court in which initially an interim order was granted in favour of the applicants, however, subsequently the petition came to be dismissed. During the pendency of the petition, the applicants had deposited Rs.40,000/- with the Office of Sub-Divisional Officer in compliance with interim order passed by this Court

and when the petition came to be dismissed on 22nd September, 2014, Division Bench of this Court directed the Sub-Divisional Officer to refund the amount of Rs.40,000/- to the applicant No.1, who was petitioner in that petition. The accusations against the applicants are that after dismissal of the petition, when the work of road widening started and encroachment were being removed, the applicants filed civil suit praying for injunction restraining authorities from removing them from the land in question and the applicants relied on the fabricated lease deed.

On query, the learned A.P.P. has submitted that the amount of Rs.40,000/- is not returned to the applicant No.1 and for the first time when the cheque for Rs.40,000/- was sent to the applicant No.1, he refused to accept it. The cheque is sent to the applicant No.1 after he filed the civil suit.

Be that as it may, considering the facts of the case and nature of the accusations against the applicants, following order is passed :

In the event of arrest in connection with Crime No.126 of 2017 registered by the non-applicant, the applicants be released on bail on executing P.R. Bond of Rs.10,000/- each.

During the course of hearing, it transpired that the fabricated lease-deed could not have been brought in existence without support of some person having knowledge about the affairs of the Office of Tahsildar.

The learned A.P.P. submitted that further investigation is going on. The Investigating Officer shall expedite the investigation and endeavor to file the charge-sheet against the accused persons as early as possible.

JUDGE

PBP