

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

CRIMINAL APPLICATION (ABA) NO.633/2017

Tekchand s/o sukhhlalji Chakole ..vs.. State of Maharashtra thr. PS Mouda,
Tq. Mouda, Dist. Nagpur.

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

Court's or Judge's orders.

Mr. S. R. Tiwari, Advocate for applicant.

Mrs. K. R. Deshpande, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 7, 2017

Heard Mr. S.R. Tiwari, Advocate for applicant
and Mrs. K.R. Deshpande, A.P.P. for non applicant-State.
The reply filed by the learned A.P.P. is taken on record.

The applicant is apprehending his arrest in
connection with Crime No.342/2017 registered with
Police Station, Mouda, Tq.Mouda, Dist. Nagpur for an
offence punishable under Sections 419, 420, 467, 468,
471 read with Section 34 of the Indian Penal Code.

According to the prosecution, one Vinod
Kullarkar lodged a report on 15.07.2017 that it has come
to his knowledge that the land in question is sold in
favour of the present applicant by executing registered
sale deed on 23.03.2011. According to him, the
executant of the said sale deed Ramaji Govindrao
Ambagade has nothing to do with the said property and
surreptitiously the sale deed is executed in favour of the
present applicant.

The applicant has invited my attention to Page nos.49 to 52 of the compilation which clearly shows that at any point of time, the surname is not finding place in the revenue records. On the last page, i.e. page no. 52, the name is appearing as Ramaji Govindrao. Before filing the FIR, there were exchange of notices between the applicant and the first informant.

The learned A.P.P. prays for custodial presence of applicant for the purpose of interrogation.

Prima facie, the applicant is a bona fide purchaser and has parted with consideration for getting the sale deed executed in his favour. All the documents are already seized by the investigating officer. It is also the submission on behalf of the learned A.P.P. that the person who executed the sale deed is already suspended. In view of the said, interest of the prosecution can be protected by directing the applicant to attend the Police Station and to extend cooperation to the investigating officer. That leads me to pass the following order.

ORDER.

- (i) Criminal Application No.633/2017 is allowed.
- (ii) In the event of arrest in connection with Crime No.342/2017 registered with Police Station, Mouda, Tq.Mouda, Dist.Nagpur for an offence punishable under Sections 419, 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, applicant-Tekchand Sukhlalji Chakole be released on bail on he

executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.

(iii) The applicant shall attend Police Station, Mouda on 09.09.2017, 11.09.2017, 13.09.2017, 14.09.2017 and 15.09.2017 and he shall remain with the investigating officer from 11.00 a.m. to 5.00 p.m. During this time the investigating officer shall conduct all interrogation vis-a-vis the present applicant.

(iv) The applicant shall not try to influence the prosecution case.

The application is disposed of.

JUDGE