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

## CRIMINAL APPLICATION (ABA) NO.708 OF 2016

**Smt. Meerabai wd/o Pradip Ingale and ors**
**..vs..**
**The State of Maharashtra, through its Police Station Officer, Police Station, Paratwada, District Amravati**

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| Office Notes, Office Memoranda of Coram, appearances, Court orders or directions and Registrar's orders | Court's or Judge's Order |
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**Shri A.D. Dongore, counsel for the applicants.**
**Shri I.J. Dhumale, Addll.P.P. for the non-applicant/State.**

**CORAM : P.N. DESHMUKH, J.**
**DATED : JANUARY 31, 2017.**

**The applicants, involved in Crime No.590 of 2016 registered for the offences punishable under Sections 352, 294, 504, and 506 of the Indian Penal Code and Sections 3(1),(f),(g),(r), and (s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, have applied for bail.**

**Learned counsel for the applicants at the outset has submitted that some civil litigation is pending between applicants and complainant before the competent Court at Achalpur wherein applicants have challenged agreement to sale and subsequent sale deed alleged to be entered between applicant No.1's deceased husband Pradip Ingale contending that no such transaction took place during life time of her deceased**

husband and on the basis of false documents complainant is claiming possession over agricultural land out of which relations between complainant and applicants thus became strained and in the background of such relations false report came to be lodged.

Learned counsel for the applicants in support of his case as aforesaid has relied upon two agreements establishing applicants possession over the agricultural land in the year 2015-16 that is even after death of Pradip Ingale, applicant Nos.1's husband and has, therefore, submitted that the agreement to sale relied by complainant is of 2013 as well as sale deed which is also 2013 are bogus documents of which civil suit is already filed before the Court and has submitted that in view of the facts as aforesaid, interim protection granted to applicants be confirmed by issuing further directions, if found necessary.

Learned Additional Public Prosecutor has opposed the application as per its reply on record and has submitted that during the course of investigation complainant has produced agreement of sale entered into by complainant with deceased husband of applicant No.1. Admittedly, the said document is under challenged before the competent Court. Apparently, there is a civil dispute between the parties.

When the report lodged is perused it refers

to said transaction which is subjudice before the competent Civil Court and with reference to the incident dated 26.9.2016 is concerned it is alleged that when complainant went in the field along with labourers for some agricultural operations, applicant No.1 obstructed him along with applicant Nos.2 and 3 who were present on the spot and in the presence of 7 to 8 labourers have given threats and abuses. Admittedly, it is no case of complainant that their took place any incident of assault in the field on that day.

In that view of the matter and since according to the report it is also found that much prior to said date, there are instances in the months of July and August 2016 establising strained relations between complainant and applicants, possibility of applicants having been involved by lodging false report cannot be ruled out. The possibilities are further found substantiated in view of pendency of the civil proceeding between complainant and applicants as aforesaid.

In that view of the matter, the application is aliable to be allowed by confirming the interim orders granted in favour of the applicants, as per order below:

Order dated 25.10.2016 passed by this Court stands confirmed on the same terms and conditions.

However, applicants are further directed to

**attend the investigating officer, if they are called till filing of the charge-sheet.**

**JUDGE**

**!! BRW !!**

# C E R T I F I C A T E

**I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.**

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