

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

CRI. APPLICATION (ABA) NO. 812 OF 2016

(SANJAY GEORILAL JAIN & ANR...VS.. STATE OF MAH. THR. P.S.O. GITTIKHADAN, NAGPUR)

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

Court's or Judge's orders

Shri N.B.Bargat, Advocate for Applicant.
Shri S.P.Deshpande, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 20, 2017.

Heard.

The applicants, apprehending arrest in crime registered against them for the offences punishable under Sections 419, 420, 468 and 471 read with Section 34 of the Indian Penal Code, have sought pre-arrest bail. The accusations against the applicant No.1 are that he has played fraud on the complainant and his wife by posing himself as the owner of the land having purchased it from the earlier owner-Sopan Narkhede. According to the Investigating Agency, the owner of the land-Sopan Narkhede subsequently executed sale-deed in faovur of one Nimkar and then the crime came to the notice. The accusations against the applicant No.2 are that he has signed the sale-deed as witness and has helped applicant No.1 in getting the sale-deed executed illegally.

The applicant has placed on record affidavits of Milind Bhanudasji Varade, Amol Sureshrao Kavane (applicant No.2), Sanjay Georilal Jain (applicant No.1) and Subhash

Wamanrao Chauhan. In all these affidavits it is stated that the deponents are partners of M/s. Swayam Land Developers and Builders, they have jointly purchased two pieces of the land situated at Mouza : Velsakhara, Tahsil : Umrer, District : Nagpur and that they will not deal with the lands in question in any manner till the conclusion of the trial against the applicants.

The applicants are granted interim protection by this Court by the order passed on 16th December, 2016 with condition that they will attend the Police Station and co-operate with the Investigating Agency. It is not the complaint of the Investigating Agency that the applicants have misused the protection or have not co-operated with the Investigating Agency.

Considering the facts of the case and accepting the assurance given by the deponents in the affidavits placed on record that they will not deal with the lands in question till the trial concludes, the interim order granted on 16th December, 2016 is confirmed.

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

JUDGE

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