

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

CRIMINAL APPLICATION (ABA) NO.382 OF 2018

(Manoj Suresh Shantalwar ..vs.. State of Maharashtra, through its PSO, PS Adyal)

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

Court's or Judge's orders

Shri A.A. Dhawas, Counsel for the applicant,
Shri V.A. Thakare, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 22-06-2018

The applicant is apprehending arrest in Crime 46/2018 registered at Police Station Adyal for offences punishable under Sections 404, 417, 420, 467 read with Section 34 of the Indian Penal Code.

2. The offence is lodged on the basis of report dated 07-5-2018 lodged by one Suraj Kumbhare, who claims to be the son of Deepa Kumbhare whose pre-marriage name according to the informant was Devangana Dhawale. According to the informant, although Devangana Dhawale expired on 16-4-2016 and she had a share in the property concerned, using a power of attorney executed by the Dhawale family and purportedly also by Devangana Dhawale, the land was transferred in the name of the applicant by a registered sale-deed dated 17-1-2018.

3. At least at this stage, there does not appear to be

any material to connect the applicant with the crime. The sale-deed is on the basis of power of attorney executed by the Dhawale family members in favour of one Madhukar Dhawale. Even if it is assumed that the family members of the Dhawale family suppressed that Devangane Dhawale had died, it is difficult to come to a *prima facie* conclusion that the applicant was involved in the said suppression. It appears that the applicant purchased the property in good faith and is a *bona fide* purchaser for value.

4. The interim order dated 29-5-2018 is confirmed with the modification that the applicant shall attend the police station as and when required by the investigating officer.

JUDGE

adgokar