

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

12 BAIL APPLICATION NO.1063 OF 2020

1. MILIND AWCHIT BAISANE
2. RAJRATNA @ BHUPENDRA MILIND BAISANE
VERSUS
THE STATE OF MAHARASHTRA

.....

Advocate for Applicants : Mr. V. D. Sapkal (Senior Counsel) i/b
Mr. S.R.Sapkal.

APP for Respondent-State : Mr. D. S. Jape.

...

CORAM : V. K. JADHAV, J.

DATE : 14.10.2020

PER COURT :-

1. The applicants are seeking regular bail in connection with Crime No.34 of 2020 registered with Dhule City Police Station, District Dhule for the offences punishable under Sections 420, 406, 464, 465, 467, 468, 471, 506 read with Section 120-B of the IPC. Their application with similar prayer came to be rejected by the Additional Sessions Judge, Dhule, vide order 10.09.2020 in Criminal Bail Application No. 790 of 2020.

2. The learned senior counsel for the applicants submits that there is an inordinate delay in lodging the complaint. The

informant is the real son of applicant No.1. As per the allegations made in the complaint, in the month of November 2018, the informant has come to know about the execution of the false sale deed of the plot belonging to him, however, the complaint came to be lodged on 07.02.2020 without explaining the cause for such an inordinate delay in lodging the complaint. The learned senior counsel submits that the informant was hardly 20 years of age at the time when the said property was purchased. Applicant No.1 being the father had purchased the property in the name of his son. The learned senior counsel submits that there is a dispute in the family and in consequence thereof, after an inordinate delay, the complaint came to be lodged. The applicant in order to show his bonafide has deposited the said consideration amount of the plot to the tune of Rs.3,60,000/- before this Court. Applicant No.2 is the person who was brought in the Registry Office for execution of the said sale deed of the property standing in the name of the present informant. There is no criminal history. Because of the family dispute, if the property has been sold in the manner as alleged, the applicants cannot be detained in jail for indefinite period as a matter of

punishment. The investigation is almost over and formality of filing charge-sheet is only remained. The applicants may be released on bail.

3. The learned APP has strongly resisted the application on the ground that though there is a delay in lodging the complaint, however, *prima facie* there is evidence that applicant No.1 by doing the cheating by personation posed applicant No.2 as his son and executed the sale deed of the plot in favour of the other co-accused persons. The learned APP submits that even on 19.03.2020 in the similar manner, the applicants have executed the sale deed in respect of the agricultural land in favour of the same purchaser. Though the allegations have not been made in this complaint in this regard, however, supplementary statement of the informant came to be recorded on 29.05.2020, wherein the informant has made the allegations to that effect. The informant has come to know about the said transaction on 19.03.2020. The learned APP submits that the applicants have prepared the false and fabricated documents and cheated the informant by personation. *Prima facie*, there is a strong case against the applicants. The investigation is still in progress. The

applicants may not be released on bail.

4. On going through the allegations made in the complaint and on perusal of the investigation papers, though I find that the allegations have been made against the applicants, however, applicant No.1 is the father of informant and there is an inordinate delay in lodging the complaint. The informant has lodged the complaint two years after noticing the said execution of the sale deed falsely by cheating through personation. It appears that in the month of November 2018, the informant has come to know about the said execution of sale deed in respect of the plot standing in his name, however, there is no explanation in the complaint as to the inordinate delay in lodging the complaint. It further appears that the said property was purchased prior to 2012. The informant was only 20 years of age at that time. Thus, the possibility that applicant No.1 being a father had purchased the said property in the name of the informant cannot be ruled out. Apart from this, because of the family dispute, if applicant No.1 with the help of applicant No.2 has executed the sale deed in favour of certain purchasers for valuable consideration, the applicant in order to show his bonafide has deposited an amount of

Rs.3,60,000/- before this Court. There is one another similar transaction as alleged by the informant in his supplementary statement, in respect of the agricultural land, however, as a matter of punishment, the bail cannot be refused to both the applicants. It appears that because of the family dispute, the sale deeds came to be executed in respect of the plot and agricultural land. In the year 2019 and 2020, at the instance of the present informant and his mother, three crimes came to be registered against the present applicant No.1, however, the other 4-5 crimes registered way back in the year 2009 and in connection with those crimes, applicant No.1 came to be acquitted. Thus, considering the entire aspect of the case, I am inclined to release the applicants on bail with certain conditions. Hence following order :

ORDER

1. The application is hereby allowed.
2. The applicant No.1. MILIND AWCHIT BAISANE and 2. RAJRATNA @ BHUPENDRA MILIND BAISANE in connection with Crime No.34 of 2020 registered with Dhule City Police Station, District Dhule for the offences punishable under Sections

420, 406, 464, 465, 467, 468, 471, 506 read with Section 120-B of the IPC be released on bail on furnishing PB. of Rs.20,000/- (Rupees Twenty Thousand only) each with one solvent surety of the like amount each on the following conditions :-

- a] The applicants shall not tamper with the prosecution evidence in any manner.
 - b] The applicants shall attend the concerned police station once in a week i.e. on every Sunday between 8.00 to 11.00 a.m. till filing of the charge-sheet.
 - c] An amount of Rs.3,60,000/- deposited before this Court shall be transferred to the Trial Court and the Trial Court shall pass the appropriate orders in respect of the said amount at the conclusion of the trial.
3. The application is accordingly disposed off.

(V. K. JADHAV, J.)

...