

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 ANTICIPATORY BAIL APPLICATION NO.542 OF 2021
WITH APPLN/1637/2021 IN ABA/542/2021

SUSHILA W/O MAHARUDRA LAMTURE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

Mr.A.D. Gade, Advocate for the applicants.
Mr.S.B. Narwade, APP for the respondent/State.
Mr.A.T. Jadhavar, Advocate for the complainant.

CORAM : SANDEEP K. SHINDE, J.
DATED : 05.08.2021

PC :-

01. Heard learned Counsel for the applicants.
Applicant No.1 is wife of applicant No.2.

02. Apprehending the arrest in Crime No.144 of 2021, registered with Kaij Police Station, Dist. Beed, for the offences punishable under section 420, 34 of the Indian Penal Code, the applicants have applied for pre-arrest bail.

Prosecution Case

03. Priyadarshani Urban Co-operative Bank Ltd. sanctioned and disbursed loan to applicant No.1 against the primary security of mortgage of land Survey No.131

and 160. The mortgage deed was registered in September, 2013 and in effect Mutation Entry No.3375, was recorded and in turn reflected in village form 7/12 relating to Gat No.131 and 160. In November, 2015, applicant No.1 sold Gat No.160 to accused No.3. It appears, along with sale-deed dated 18th November, 2015, 7/12 extract of Gat No.160 was produced and appended to sale-deed. This extract does not show charge/mortgage created in favour of Priyadarshani Urban Co-op. Bank Ltd. It thus reveals, Mutation Entry No.3375 was concealed by forging 7/12 extract. It may be stated, 7/12 extract is 'valuable security' within the meaning of section 30 of the Indian Penal Code. Prima facie, complicity of applicant No.1 in the offence under section 471 is clearly visible, which is punishable with imprisonment for life. For this reason, pre-arrest application of applicant No.1 is rejected.

04. Although applicant No.2 was witness to the mortgage deed and sale-deed, in my opinion, his custodial interrogation shall not further the prosecution case.

05. At this stage, learned Counsel for the applicants, on instructions, seeks leave to withdraw application of applicant No.1.

06. Leave granted.

07. Thus, the following order :-

08. Application of applicant No.1 is dismissed as withdrawn.

09. In the event of arrest of applicant No.2 in in aforesaid crime, he shall be released on bail in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or more sureties in like amount. Applicant No.2 shall join the investigation as and when called by the Investigating Officer.

10. Pending criminal application stands disposed of.

[SANDEEP K. SHINDE,J.]