

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

901 BAIL APPLICATION NO.1163 OF 2021

1. Devanand s/o Sahebrao Rochkari
Age : 60 years, Occu. Pujari,
R/o. Khatkalgalli, Tuljapur,
Tal. Tuljapur, Dist. Osmanabad.
2. Balasaheb s/o Sahebrao Rochkari
Age : 56 yeas, Occu. Agriculture
R/o. At/post. Tuljapur,
Tal. Tuljapur, Dist. Osmanabad. ... APPLICANTS

VERSUS

The State of Maharashtra
Through Incharge Police Station Officer
Tuljapur Police Statin,
Tal. Tuljapur, Dist. Osmanabad. ... RESPONDENT

Shri. P. R. Katneshwarkar, Advocate h/f Shri. S. R. Andhale,
Advocate for the applicant
Shri. D. R. Kale, APP for the respondent/State

CORAM : M. G. SEWLIKAR, J.

DATED : 28th OCTOBER, 2021

PER COURT :-

1. Heard.
2. Informant is the Tax Fixation and Administrative
Officer working in Municipal Council, Tuljapur. In City Survey

No. 1996 within the limits of Tuljapur Municipal Council there is one historical site called Mankawati Teerth admeasuring 1244.08 sq.mt. It was standing in the name of Municipal Council, Tuljapur. Enquiry Committee was constituted as it was found that the said land was mutated in the name of accused-applicant Nos. 1 and 2. Enquiry Committee submitted the report that applicant Nos. 1 and 2 by forging documents got their names entered in respect of the property in dispute. Informant was, therefore, authorised to lodge the complaint against the applicants. Applicant Nos. 1 and 2 are brothers interse.

3. Charge-sheet is yet to be filed. On perusal of the papers annexed with the application and the police papers forwarded by the learned APP it is seen that there was an entry in the year 1974 in respect of disputed property in the name of Maruti Tuljaram Rojkari and person in possession was shown Sahebrao Maruti Rojkari. Sahebrao Maruti Rojkari is the father of the applicants. PR card was also issued in the name of applicants' father in the year 1996.

4. It appears that Sanad was issued by the Government of Maharashtra in the month of March, 1980 in the name Maruti Tuljaram Rojkari i.e. grandfather of applicants. On the even date, Sanad seems to have been issued in the name of government too. Even if it is assumed for the sake of argument that there was forgery, applicants were not the persons who had committed the forgery. It was their forefathers. Moreover from the allegations in the FIR it appears that it is a civil dispute. In view of this, I am inclined to release applicants on bail. Hence the order.

ORDER

1. Application is allowed.
2. Each of the applicants be released on bail on their furnishing PR bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No. 0270 of 2021 under Sections 420, 467, 468, 469, 471 read with Section 34 of the Indian Penal Code registered with Tuljapur Police Station, Dist. Osmanabad and on condition that they shall not interfere in the investigation and shall not pressurise the witnesses and

shall remain present before the Investigating Officer as and when called upon to do so.

3. Application is disposed of.

4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M. G. SEWLIKAR, J.]

ssp