



3. The complainant has alleged that his father Ramrao Bodkhe had expired on 09.01.2008. His father was owner of 20 Gunthas land in Servey No. 22 at Garkheda. The property was acquired by registered sale deed in 1988. On 19.09.2018, Pradip Sachindra Dutt approached the complainant and informed him that his father had sold the plots from Survey No.22 by executing bonds on 10th July, 1988, he intends to carry out construction int he said property and consent letter of the complaint is required. Believing the representation of the accused, the complainant prepared consent deed dated 20.11.2018. Now, on perusal of the document, he realized that he is being cheated by the accused. The bond produced by the accused was false. Signature of his father appearing on the band is false. The accused, by cheating the complainant, has acquired eight plots in the said property.

4. The applicant preferred application for anticipatory bail before the Sessions Court which has been rejected by order dated 29.10.2021.

5. The applicant has placed on record several documents and contended that the FIR is false. Allegations in the FIR are after thought. The complainant has undisputedly executed consent deed. The documents on record show that the applicant was in possession of the property. The complainant himself has confirmed the execution of deed with the applicant. Subsequently, he has backed out from the transaction and alleged that signature of his father was fabricated.

6. Learned APP submitted that investigation is in progress. The investigation reveals that the documents relied upon by the applicant in the nature of bond executed with father of complainant for purchase of plots are false. Custodial interrogation of the applicant is necessary.

7. Learned counsel for the complainant submitted that the claim of the applicant is false. The father of the complainant has died on 09.01.2008. His father had never executed sale deed in favour of the applicant. The applicant accused has prepared false sale deed to grab the property. The complainant was required to file private complaint in which directions were issued for investigation. Custodial interrogation of the applicant is necessary.

8. Apparently, the police did not take cognizance of the complaint and hence, the complainant filed a private complaint seeking directions for investigation. Learned JMFC had directed the concerned police station to investigate the crime.

9. The applicant has relied upon the copy of plaint filed by Narendrasing Pritamsing Chhatwal against the applicant. Regular Civil Suit was numbered as 93/2019. Applicant was defendant in the said suit. The plaintiff had preferred an application for injunction against the applicant. The Civil Court refused the prayer for injunction. The contention of the complainant there in was, the applicant is in

possession of the suit property. The injunction application preferred by the applicant was rejected by order dated 23.03.2021. The applicant had lodged complaint against Mr. Narendrasing Chhatwal and FIR was registered vide Crime No. 06/2018 on 05.01.2018 for the offences under sections 420, 379, 447, 504, 506 of IPC. In the said FIR, it was alleged that from 20.12.2017 to 30.12.2017, Narendrasing Chhatwal and Ajitsing Chhatwal had committed theft of board displayed by the applicant and executed false documents. The statement of the present complainant Prakash Ramrao Bodkhe was recorded on 18.11.2017. The complainant herein had supported the claim of the applicant. He is has no doubt about the documents submitted by Pradip Dutt (applicant.

10. In view of above, the applicant need not be subjected to custodial interrogation. Hence, I pass the following order :-

### **ORDER**

- i. Anticipatory Bail Application No. 1391 of 2021 is allowed;
- ii. In the event of arrest of the applicant in Crime No. 407 of 2021 registered with Pundlik Nagar Police Station, District Aurangabad, the applicant be released on bail on executing PR bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;

- iii. The applicant shall report the Investigating Officer on 29.12.2021 and 30.12.2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for, till filing of the charge sheet.
- iv. A.B.A. No.1391 of 2021 and Criminal Application No.2956/2021 stand disposed of.

(PRAKASH D. NAIK, J.)

JPC