

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO. 137 OF 2021

Tapas s/o Nareshchandra Shah

...Versus...

State of Maharashtra through PSO, P.S. Gondia City, Tah. Gondia and
District- Gondia

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

Court's or Judge's orders

Shri A.S. Manohar, Advocate for the applicant
Shri A.R. Chutke, APP for respondent/State

CORAM : N.B.SURYAWANSHI, J.

DATE : 16/06/2021

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard.

3. The applicant apprehends his arrest in Crime no. 0030/2021, registered with Gondia City Police Station for the offences punishable under Sections 419, 420, 465, 467, 468 and 471 r/w 34 of the Indian Penal Code. The First Information Report was lodged by Anand Harvanshsingh Parmar, wherein, in short he has alleged that he is presently residing at Balaghat along with his family. He has ancestral property at Gondia. Four months prior to the lodging of the First Information Report, he came to Kudwa and Laxminagar

to inspect his property, at that time he noticed Sumit Manmohan Gupta and Dharmesh Ghanshamdas Gupta had constructed compound wall on his land. On enquiry with Sumit Gupta, he was informed that the present applicant along with co-accused had introduced him to Abdul Saim Abdul Naim as the owner of the property and got the sale-deed executed in favour of Sumit Gupta. It is alleged that the present applicant and other accused had joined hands and have created a false death certificate of Abdul Naim and presented Abdul Saim as heir of Abdul Naim and got his name entered in the revenue record. No person by name Abdul Saim exists. In the year 2015, the present applicant with co-accused presented Iftiyar as Abdul Saim in the office of Sub Registrar and got the sale-deed of the disputed land registered. The applicant has signed the sale-deed as witness.

4. Heard the learned Advocate for the applicant and the learned Additional Public Prosecutor. Perused the case diary made available by the learned Additional Public Prosecutor.

5. The other accused including the one, who had received financial gain in the said transaction, were arrested and have been released on bail. Civil proceeding is going on between the said accused persons and the complainant.

6. The present applicant was granted interim protection by this Court vide order dated 04/03/2021. The

applicant has attended the Police Station and has cooperated in the investigation. As per the affidavit filed by the Investigating Officer the monetary benefit of the said transaction is received by the co-accused Nageshwar Dube. The investigation is almost complete. Custodial detention of the applicant is therefore not warranted in the facts of the present case.

5. The criminal application is therefore allowed in terms of interim order passed on 04/03/2021.

6. The applicant shall attend the concerned Police Station as and when called by the Investigating Officer till filing of the charge-sheet.

7. The application is disposed of.

JUDGE