

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

ANTICIPATORY BAIL APPLICATION NO. 25 OF 2022

Dattatray Pandurang Anantwar

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. P.R. Katneshwarkar, Advocate h/f Mr. A.S. Jadhav, Advocate for applicant

Mrs. G.L. Deshpande, A.P.P. for respondent - State

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CORAM : R.G. AVACHAT, J.

DATED : 11th MARCH, 2022

PER COURT :

1. This is an application under Section 438 of the Code of Criminal Procedure. The applicant has apprehension of being arrested in connection with Crime No. 150 of 2021 registered with Manatha Police, Dist. Nanded for the offences punishable under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code.

2. Heard. Perused the First Information Report ('F.I.R.') and the papers relied on. It has been alleged that the applicant herein represented himself to be the owner and in possession of a plot admeasuring 13x35 sq.ft., bearing Grampanchayat Property No. 58 and sold it to the informant for

Rs.4,50,000/-. It was later on revealed that the plot sold to the informant was part and parcel of the *gayaran* land (pasture) belonging to the State. Crime, therefore, came to be registered against the applicant herein.

3. Learned counsel for the applicant would submit that the informant purchased the plot after having verified the revenue and gram panchayat record. Name of the applicant figures in the gram panchayat property record of the disputed land. On the directions of this Court, the applicant has deposited a sum of Rs.5,50,000/-. The alleged offence pertains to the documents. It is a matter of civil dispute. Custodial interrogation of the applicant is not warranted. He, therefore, urged for grant of the application.

4. Learned A.P.P. would, on the other hand, submit that the applicant has a criminal antecedent. He sold a piece of land, of which he was not owner, for Rs.4,50,000/-. As such, it is nothing short but an economic offence.

5. Considered the submissions advanced. Perused the F.I.R. and the papers relied on. The petitioner sold the plot (Grampanchayat Property No.58) admeasuring 1050 sq.ft. to the informant ostensibly for Rs.1,30,000/-. He is alleged to have received Rs.4,50,000/- as consideration. The applicant did not place on record any document which could indicate his title and

possession over the plot sold to the informant. True, in the grampanchayat record the plot stands in the name of the applicant. There are however statements of the grampanchayat authorities to indicate that it was part and parcel of the *gayaran* land (pasture) belonging to the State. The applicant has criminal antecedents. He has committed a forgery of valuable security. This Court is, therefore, not inclined to grant the application.

6. So far as regards amount of Rs.5,50,000/- deposited by the applicant herein, the same be kept in fixed deposit in the proceeding before the trial Court. If the petitioner is found to have committed the alleged offence, the amount with interest accrued thereon be paid to the informant. In case of his acquittal / success in civil proceeding, if any, the amount shall be returned to him.

7. In the result, the application fails. Same is dismissed.

(R.G. AVACHAT, J.)

SSD