

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

ANTICIPATORY BAIL APPLICATION NO.144 OF 2022

MANGESH DEEPCHAND LADDHA AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. P.R. Katneshwarkar, Advocate for applicants

Mr. B.V. Virdhe, APP for respondent Nos.1 and 2

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 22nd FEBRUARY, 2022

ORDER :

1 Applicants are apprehending their arrest in connection with Crime No.2/2022 dated 07.01.2022 registered with Bhusawal City Police Station, Dist. Jalgaon, for the offence punishable under Section 420, 467, 468, 471, 406 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. P.R. Katneshwarkar for applicants and learned APP Mr. B.V. Virdhe for respondent Nos.1 and 2.

3 It has been vehemently submitted on behalf of the applicants that the applicants themselves being cheated in respect of the erasers and

additions of the words. The dispute between the informant and the applicants is of civil nature, to which criminal colour has been given. The said civil dispute is already pending before the competent Civil Court, where the right, title and entitlement of the compensation would be decided by the Civil Court. No doubt, the present applicants had withdrawn the compensation amount, however, they have re-deposited that amount under protest, reserving their rights to claim the said amount, in case of success to their civil proceedings. Further, it can be seen that the notices regarding compensation were issued in the year 2013, so also, the amount of compensation was received by the applicants in 2013. No dispute was raised at that time by the vendors of the applicants. Further, second notices were issued in 2015 and that amount has also been withdrawn by the applicants without there being any objection by the vendors. Now, when it came to third part of the compensation, then, the dispute has been raised. There is much delay in lodging the report, which has not been explained at all. Therefore, the physical custody of the applicants is not required for the purpose of investigation. The applicants are ready to abide by the terms of bail. The interim protection granted by this Court on conditions and those conditions are observed by the applicants; deserves to be confirmed.

submitted that lacs of rupees were given as compensation and they have been withdrawn by the present applicants. They have committed forgery on page No.7 by mentioning “लिहून देणार”. If those words are omitted, then it can be seen that the amount would have been received by the vendors only. Therefore, physical custody of the applicants is required to investigate where those changes have been made and how that document has been used to chit the Government authorities.

5 Voluminous documents are produced by the applicants to support their contention. Perusal of the First Information Report would show that it has been lodged by one Rajesh Gangadhar Joshi, who appears to be the person at Sr.No.1, who had executed sale deed on 02.07.2013 as well as agreement dated 02.07.2013. Though in the sale deed it is stated that the property has been sold, except the area admeasuring 2116 sq.mtrs, which is adjacent to the National Highway; yet in the agreement, it is stated that those persons, who have got the agreement in writing i.e. vendor, have received the price/consideration for that 2116 sq.mtrs. also. It is the document executed by four persons, including the informant and now it appears that the interpretation has been made in view of page No.7, on which there is some overwriting. It is not in dispute that twice earlier the applicants have received the amount of compensation and evidence has been produced to

that effect, to show that the notices were issued to the applicants as well as the informant and his family members. They had not raised any objection when the applicants withdrew those amounts. All of a sudden it appears that at the third time such objection has been raised. This shows apparent delay on the part of the informant to lodge any report. If he would have been diligent enough, then after the receipt of the notice he could have made search of the document. Now, after the objection has been raised for withdrawing the amount third time the applicants have re-deposited that amount under protest. It also appears that they have now submitted to the jurisdiction of the Civil Court and submits that they would abide by the decision of the Civil Court. It is a legal process and, therefore, when the accused is taking legal process, whether it amounts to an offence, is a question. The physical custody, under such circumstance, is not required for the purpose of investigation. The interim protection granted earlier deserves to be confirmed. Accordingly, it is confirmed. Hence, following order.

ORDER

1 Application stands allowed.

2 In the event of arrest of the applicants viz. 1) **Mangesh Deepchand Laddha**, 2) **Premraj Vithaldas Ladhe**, 3) **Mahendra Shantilal**

Surana, 4) Brijesh Radheshyam Lahoti and 5) Smita Rajesh Kakani, in connection with Crime No.2/2022 dated 07.01.2022 registered with Bhusawal City Police Station, Dist. Jalgaon, for the offence punishable under Section 420, 467, 468, 471, 406 read with Section 34 of the Indian Penal Code, 1860, they be released on P.R. of Rs.50,000/- (Rupees Fifty Thousand only) each with two solvent sureties of Rs.25,000/- (Rupees Twenty Five Thousand only) each.

3 Applicants shall not indulge in any criminal activity nor shall tamper with the prosecution evidence, in any manner.

4 They should cooperate with the investigation.

5 Applicant Nos.1 to 4 should attend the Bhusawal City Police Station, on every Monday and Thursday, between 10.00 a.m. to 12.00 noon, till filing of charge sheet.

(Smt. Vibha Kankanwadi, J.)