

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.342 OF 2022

DILIP S/O SHRIHARI RAUT AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicants : Ms. Ranjana D. Reddy
APP for Respondent-State : Mr. B. V. Virdhe
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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 31-03-2022

ORDER :

1. After the disinclination has been shown, the learned Advocate for the applicants submitted that applicant No.1 be allowed to withdraw the application, on instructions by him. Accordingly, the application stands withdrawn as against applicant No.1.
2. Applicant No.2 is apprehending his arrest in connection with Crime No.44 of 2022, registered with Police Station Jawahar Nagar, Aurangabad, District Aurangabad, for the offence punishable under Section 420, 465, 466, 467, 468, 471, 120-B r.w.34 of Indian Penal Code.
3. Heard learned Advocate Ms. Ranjana D. Reddy for applicant and

learned APP Mr. B. V. Virdhe for respondent-State. In order to cut short, it is stated that both of them have made submissions in support of their respective contentions.

4. Perusal of the FIR would show that a private complaint was filed by the informant Jitendra Yadunandan Chawda bearing Criminal Misc.Appln. No.3651 of 2021 and offence came to be registered in view of order passed under Section 156 (3) of Cr.P.C., though in the FIR wrong section appears to have been quoted i.e. under Section 202 of Cr.P.C. It is a long FIR but in the nutshell it states that the informant is the owner of two storied building in Shivshankar Colony. He had given two shops on the ground floor on rent. One of it got vacated but on the date of the FIR he had not inducted any tenant in that premises. The first floor was given on rent to one Shaikh Sir in which he had conducted hostel for about two years. Accused No.1/applicant No.1 Dilip Raut and accused No.5/applicant No.2 Ramesh Balasaheb Sadgure were working in that hostel. Said Shaikh Sir had closed the hostel for his personal reason, and thereafter, all the accused persons had gone to the informant and requested him that they should be allowed to conduct the hostel at the same place and they would pay the rent. Informant believed in

them and allowed them to continue the hostel on rent. However, the accused could not manage the affairs of the hostel and then the informant started asking them to vacate the premises. Later on he came to know that the 11 named persons were trying to sell the entire building which was in the name of the informant and even applicant No.1, his wife and son as well as daughter, had filed suit against the informant in the Court of Civil Judge, Junior Division, Aurangabad. He appeared in the matter and then after getting knowledge of the documents which were produced, he came to know that a forged sale deed has been prepared bearing date 16-12-2021. The signature on that document as well as thumb mark is not that of informant. Another agreement stating that the property has been given without charging anything was also got prepared by accused No.1 bearing date 05-12-2006. In that proceedings it was stated that the father of the informant had expired in 2006 whereas his father expired on 28-06-2008. Those documents are forged and fabricated. The accused persons are possessing those forged documents. He had got the opinion of the handwriting expert Suresh Katare stating that the signatures are forged, and therefore, he has then filed FIR.

5. Perusal of the above said contents of the FIR would show that no specific role has been attributed to applicant No.2 Sadgure. Merely because he was also employed earlier with the Shaikh Sir and was asking informant to give the same on rent, will not amount to any offence. It appears that while the application for anticipatory bail filed by the present applicants was before learned Additional Sessions Judge-4, Aurangabad, the original sale deed was produced and the same has been seized under panchanama by the Investigating Officer. All the documents which have been collected and the circumstances those have been collected appear to be against accused No.1, and therefore, the custodial interrogation of applicant No.2 appears to be not required, hence, he deserves to be protected. Hence, following order.

ORDER

- 1) Application is hereby allowed.
- 2) In the event of the arrest of applicant No.2 Ramesh s/o Balaram Sadgure, in connection with Crime No.44 of 2022, dated 15-02-2022, registered with Jawahar Nagar Police Station, Aurangabad, District Aurangabad, for the offence punishable under Section 420, 465, 466, 467, 468, 471, 120-B r.w.34 of IPC, he

be released on PR Bond of Rs.50,000/- with two solvent sureties of Rs.25,000/- each.

3) He shall attend the police station on every Saturday in between 10.00 a.m. to 02.00 p.m., till filing of the charge-sheet.

4) He shall not try to tamper with the evidence of the prosecution in any manner.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.