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

9 ANTICIPATORY BAIL APPLICATION NO.356 OF 2022

**VITTHAL ASHROBA ZIMBRE
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Manish P. Tripathi, Advocate for Applicant
Mr. G. O. Wattamwar, APP for respondent - State

CORAM : S. G. MEHARE, J.

DATE : 13th June, 2022

P.C.

1. By this application under Section 438 of the Code of Criminal Procedure, the applicant seeks his release on bail in connection with C.R.No. 9/2021 registered with Charthana Police Station, District Parbhani, for the offences punishable under Sections 417, 420, 465, 471, 511 read with Section 34 of the Indian Penal Code.

2. Learned Counsel appearing on behalf of the applicant would submit that the applicant has no concern with the alleged forged mutation entry and so called partition deed. He also stated that the alleged mutation entry has also been set aside by the competent

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authority. No loan has been raised on the basis of the property mutated in his name as alleged by the prosecution. Learned Counsel has vehemently argued that the charge-sheet has already been filed. Learned Counsel for the applicant also referred to paragraph no. 6 of the order of the Sub-divisional Officer, dated 28.02.2017 and tried to convince the Court that there was no intentional act. The applicant had raised no objection for cancellation of the mutation entry. In view thereof, custodial interrogation of the applicant is not required.

3. Per contra, learned A.P.P. for the respondent – State would submit that the forged partition deed is to be recovered, i.e. primary document on which entire prosecution case is based and for the said purpose custodial interrogation of the applicant is required.

4. The facts are not in dispute, however, it reveals that false and incorrect mutation was taken on the basis of so called the partition deed. Forged document of partition is the basis for entire prosecution case. It is not disputed by the applicant that he had not applied for mutation. The facts were well within the knowledge of the applicant who has prepared that false partition deed and the custody of that

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document is presumed in his possession.

5. Having regard to the aforesaid circumstances and seriousness of the offence, this Court does not find it appropriate to grant anticipatory bail to the applicant. Hence, the Application stands rejected.

(S. G. MEHARE, J.)

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