

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

BAIL APPLICATION NO. 770 OF 2022

Nijam Dada Shaikh	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Sohail Subhedar, Advocate h/f Mr. Nilesh S. Ghanekar, Advocate for applicant
Mr. N. T. Bhagat, APP for respondent – State
Mr. Vikram L. Bhange, Advocate h/f Mr. K. D. Jadhav, Advocate for intervenor

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CORAM : R. G. AVACHAT, J.

DATED : 25th JULY, 2022

PER COURT :-

. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0102/2022, registered with Gangapur Police Station, District Aurangabad, for the offences punishable under Sections 420, 467, 468, 471 read with 34 of the Indian Penal Code.

2. Heard.

Perused the First Information Report (FIR) and the related police papers.

3. The FIR has been lodged by the victim herself on 27.03.2022. The gist of the prosecution case is that the applicant herein has forged an agreement for sale dated 16.06.1995. On going through the set of police papers, there is a document titled as 'Isar Pavti' executed on a stamp paper of Rs.150/-. The document is shown to have been executed between the applicant herein and the informant and his brother. The informant and his brother denies their signature and thumb impression appearing on the said documents. Whereas the applicant has filed suit for specific performance of agreement for sale.

4. The learned APP and the learned Advocate for intervenor objected.

5. The genuineness of the document, since on the said document is in doubt since it saw the day of the light for the first time after 27 years of its execution. It is not known as to whether the investigating officer has obtained specimen hand writing and thumb impression of the applicant, informant and his brother for examination by the expert. The applicant has been behind the bars

for little over two months. The nature of evidence is documentary. In the given circumstances, pre-trial detention of the applicant is unwarranted. The application therefore deserves to be allowed. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0102/2022, registered with Gangapur Police Station, District Aurangabad, for the offences punishable under Sections 420, 467, 468, 471 read with 34 of the Indian Penal Code, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall give his specimen handwriting/or thumb impression, if so required by the Investigating Officer.
- (iv) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]