

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

ANTICIPATORY BAIL APPLICATION NO.992 OF 2021

SATBIRSING @ SAMBA S/O AVTARSING RANDHWA

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. N.S. Ghanekar, Advocate for the applicant

Mr. A.T. Ghute and Mr. L.H. Kawade, Advocates for assist to APP

Mr. N.T. Bhagat, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

RESERVED ON : 06th JANUARY, 2022

PRONOUNCED ON : 14th JANUARY, 2022

ORDER :

1 The applicant is apprehending his arrest in connection with Crime No.352/2021 dated 17.07.2021 registered with Satara Police Station, Dist. Aurangabad, for the offence punishable under Section 417, 419, 420, 467, 368, 471 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. N.S. Ghanekar for the applicant and learned APP Mr. N.T. Bhagat for the respondent well assisted by learned Advocates Mr. A.T. Ghute and Mr. L.H. Kawade.

3 It has been vehemently submitted on behalf of the applicant that the First Information Report lodged by one Gurucharansingh Jaswantsingh Khanduja would disclose that accused No.5 in the First Information Report is the present applicant and role attributed to him is only that he went to the spot and obstructed one Sunil Tupe and Pushpa Salunke, who had purchased the plot from informant. It is then stated that the applicant told that he had purchased the plot on 22.03.2019 and then the informant checked the record with the Sub Registrar, wherein he found that the son of the informant along with other accused had impersonated the informant and fabricated/prepared false document of sale deed in favour of one Raju Habib. The documents do not show the presence of the present applicant. His custodial interrogation is not required.

4 Per contra, the learned APP strongly opposed the application and submitted that in fact, the present applicant is the mastermind and the sale deed has been got prepared on his directions. Unfortunately the son of the informant acted against the interest of the informant and, therefore, in order to have thorough investigation the custodial interrogation with the applicant is necessary.

5 Perusal of the First Information Report lodged by said

Gurucharansingh Jaswantsingh Khanduja, who is stated to be 64 years old person, would show that he was the owner of three plots in CTS No.15299 situated at Garkheda, Gajanan Colony, Aurangabad. He had entered into agreement to sell in respect of all the three plots with Sunil Tupe and Pushpa Salunke on 12.10.2018, however, the sale deed could be completed only on 10.02.2021. He had also erected compound on 13.02.2021 to the plot and possession has been handed over. However, said Sunil Tupe and Pushpa Salunke were allegedly obstructed by the present applicant on 14.02.2021 and it was informed that he has purchased the plot on 22.03.2019. That information then revealed for the inspection of the record and informant could get that his son had impersonated the father and prepared a fabricated document of sale deed in favour of one Raju Habib. The case appears to be based on documents. Co-accused Raju Habib, Pravin Shiledar and Shaikh Farukh Shaikh Sandu appears to have been released on anticipatory bail, by learned Additional Sessions Judge, Aurangabad by order dated 30.07.2021. Though every offence of such nature can be said to be serious; yet, the custodial interrogation of the applicant is not necessary. Taking into consideration the allegations in the First Information Report, asking the applicant to attend the Police Station and take part in the investigation, would suffice the interest of justice. Hence, following order.

ORDER

1 Application stands allowed.

2 In the event of arrest of the applicant viz. Satbirsing @ Samba
Avtarsing Randhwa, in connection with Crime No.352/2021 dated
17.07.2021 registered with Satara Police Station, Dist. Aurangabad, for the
offence punishable under Section 417, 419, 420, 467, 368, 471 read with
Section 34 of the Indian Penal Code, 1860, he be released on P.R. of
Rs.50,000/- (Rupees Fifty Thousand only) with two sureties of Rs.25,000/-
(Rupees Twenty Five Thousand only) each.

3 The applicant shall not indulge in any criminal activity nor shall
try to tamper with the evidence of prosecution, in any manner.

4 Applicant shall cooperate with the investigation and shall attend
Police Station, Satara, Dist. Aurangabad on every Monday and Thursday
between 11.00 a.m. to 02.00 p.m., till filing of charge sheet.

(Smt. Vibha Kankanwadi, J.)