

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1109 OF 2022

Sainath Mallu Pawar And Others ...Applicants

Versus

The State Of Maharashtra & Another ...Respondents

Mr. S.S. Jadhav, Advocate for the applicants.

Mr. V.S. Badakh, APP for respondents-State.

Mr. S.P. Brahme, Advocate for the informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 1st DECEMBER, 2022

ORDER :

1. The applicants apprehend their arrest in Crime No. 190/2022 registered with Chalisgaon Police Station, Jalgaon, for the offences punishable under section 420 read with 34 of Indian Penal Code.

2. First Information Report is lodged at the instance of Suman Chavan wherein it is alleged that the applicants have cheated her by getting sale deed of her two lands and one house executed without paying any consideration amount. In fact, house of the informant was never agreed to be sold. However, applicants have got the sale deed of her house executed without paying any consideration amount.

3. Heard the learned advocate for the applicants, learned Additional Public Prosecutor for respondents and learned advocate for the informant. Perused the investigation papers.

4. Execution of sale deeds is not disputed. However, it is the allegation of the informant that she and her relatives were not allowed to read the sale deeds before execution. The applicants assured that as soon as sale deeds are executed they will pay cash amount to her. However, applicants did not keep their word and did not pay any amount to her. Two cheques given to her as security for balance consideration amount were bounced as the applicants informed the bank not to honour the cheques. Special Civil Suit No. 3/2022 is filed by the informant seeking cancellation of sale deeds executed in favour of the applicants. Prima facie, from the allegations made in the First Information Report the dispute appears to be of civil nature.

5. The learned advocate for the informant expressed his apprehension that applicant No. 1 being police constable may influence the prosecution witnesses and tamper the prosecution evidence. On inquiry, the learned advocate for the applicants submits that the applicant No. 1 is presently posted at Mumbai.

Thus, it would not be possible for him to influence the prosecution witnesses and tamper the prosecution evidence. The investigation appears to be almost complete. The documents in question are in the custody of investigating officer. The applicants were granted interim protection and they have co-operated in the investigation. In view of above, the application deserves to be allowed.

6. The application is therefore allowed by confirming the interim order dated 24th August, 2022.

7. Till filing of charge sheet, the applicants shall attend the concerned police station as and when called by the investigating officer. The applicants shall co-operate in the investigation and shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]