

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

28 ANTICIPATORY BAIL APPLICATION NO.1146 OF 2022

MANISHA KAILASH KOLI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr Rajendrraa Deshmukh (Senior
Counsel) i/b Mr. Devang R. Deshmukh a/w Mr. V. A. Chavan.
APP for Respondent-State : Mr. V. M. Kagne.
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CORAM : S. G. MEHARE, J.

DATE : 26.09.2022

PER COURT :-

1. Heard the learned senior counsel for the applicants and learned APP for the respondents-State.

2. The facts of the case have been discussed in detail in the order dated 25.08.2022. The applicants are the bonafide purchasers of the property. However, it has been alleged by the complainant that by producing the forged document of permission from the Tahsil Office, document of sale was registered. It has been alleged that the applicants were also in collusion with other co-accused, particularly, with the Special Recovery Officer.

3. The property in question was put to auction thrice. No bidder was coming forward. Lastly, the applicants participated in the auction and purchased the property in question for more than Rs.30,00,000/-. In fact they have been cheated. They have no role to play in the alleged incident. Learned senior counsel for the applicants has vehemently argued that nothing is to be recovered from the applicants. The other co-accused including Naib Tahsildar and others from the Tahsil Office were also arraigned as an accused and arrested. Nothing is transpired from them. Hence, the applicants may be released on anticipatory bail.

4. Learned APP has strongly opposed the application contending that the Investigating Officer did not find who has played the active role in committing forgery. However, it has been transpired in the investigation that the co-accused Naib Tahsildar put the forged signature of the Tahsildar. The computers and other articles have been seized in the crime.

5. The application is mainly opposed on the ground that the prosecution wanted to know who is the actor behind the curtain. However, the facts reveal that one of the co-accused has forged the documents. Except bare words that the applicants are in collusion with the other co-accused, the

prosecution has no concrete evidence / material against the applicants to show that they have played an active role in the alleged crime. In view of the facts of the case and the alleged role attributed to the applicants, the Court is of the view that the prosecution has no case for the custodial interrogation of the applicant. However, by imposing certain conditions, the interim bail may be confirmed. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to the applicants by the order dated 25.08.2022 stands confirmed on the same terms and conditions with an additional condition to attend the Police Station as and when called by the Investigating Officer on written notice.

(S. G. MEHARE, J.)

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vmk/-