

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

919 ANTICIPATORY BAIL APPLICATION NO.1164 OF 2022

LAXMAN KISANRAO GADEKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocates for Applicants : Mr. Deshpande Jagdish V. &
Mr. Dudhate S. N.
APP for Respondent-State : Mr. V. M. Kagne.
...

CORAM : S. G. MEHARE, J.
DATE : 28.09.2022

PER COURT :-

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

2. The facts of the case have been discussed in detail in the order dated 05.09.2022. The bare allegations against applicants, who were the Circle Inspector and Talathi are that without following due procedure of law, they have taken mutation entry based upon the forged sale deed. The State has no case that the applicants have knowledge about the forged sale deed. It is the practice that the person having title has to move an application with the document of title to the Revenue Officer for mutation. The concerned Revenue Officer has to follow the due procedure as laid in Maharashtra Land Revenue

Code. Barely taking entry on the basis of the documents supplied by the Officer or any concerned person would not amount an offence. The applicants were discharging their duties, if they have committed any irregularity, their order subject to the appeal or revision as provided in the law. *Prima facie* the applicants have been arraigned as accused without any substantial material against them. It also appears that they have been arraigned as accused without proper investigation by the Investigating Officer. Be that as it may, considering their role, application deserves to be allowed. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to the applicants by the order dated 05.09.2022 stands confirmed on the same terms and conditions.

(S. G. MEHARE, J.)

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vmk/-