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

ANTICIPATORY BAIL APPLICATION NO.1190 OF 2022

**MAHMOOD BIN AWAZ
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Magar Pankajkumar S
APP for Respondent/State : Mr. S.B. Narwade

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

DATED : 20th SEPTEMBER, 2022

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The facts in detail have been discussed in an order dated 13.09.2022. The applicant has a case that he is the owner of the property in question. He had sold the property under his right long back in 2005. No forgery has been committed nor any fraud has been played. A false report has been filed by the complainant who is the son of co-brother of the applicant. The complainant was well aware of the transactions in question.
3. It has been argued by the learned counsel for the applicant that only 48 plots were claimed to be in their share and for those plots only General Power of Attorney was executed. The transactions are old. The complainant never raised objection; however, with an ill-motive, a false report has been lodged.

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4. Learned APP has strongly opposed the application contending that the applicant has no good past; however, the prosecution has no material to say that the complainant was the exclusive owner of the property in question.

5. The applicant has not denied the execution of the sale deeds; however, he has a specific case that the General Power of Attorney was executed for 48 plots only arising out of the field in question. The transactions were old. It appears that it was the dispute between the family members regarding the ancestral property. Considering the claim of the applicant being the co-sharer, he may have a right to transfer his share. In the circumstances, this Court is of the view that the applicant has a good case for anticipatory bail. Hence, the following order :

ORDER

- I) Application is allowed.
- II) Interim protection granted to the applicant by order dated 13.09.2022 is confirmed on the same terms and conditions.

(S.G. MEHARE, J.)