

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1249 OF 2022
WITH APPLN/3184/2022 IN ABA/1249/2022

Chanchalbai Wd/O Prafullchand Nahar
And Another

...Applicants

Versus

The State Of Maharashtra

...Respondent

Mr. Vikrant Giramkar with Mr. Kushal Jain, Advocate for the applicants.

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

Mr. A.S. Bajaj, Advocate for the applicant in Application No. 3184/2022.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 11th NOVEMBER, 2022

ORDER :

1. Heard the learned advocate for the applicants and learned Additional Public Prosecutor assisted by Mr. A.S. Bajaj, the learned advocate for the applicant in Application No. 3184/2022.

2. The applicant-ladies are involved in commission of offence punishable under section 120-B, 420, 465, 467, 468, 471 of IPC and under section 82 of Registration Act, 1908 in Crime No. 461/2022 registered with Dhule City Police Station.

3. Sale deed concerning Prem Paradise Apartment stilt second floor terrace floor No. 403 plot No. 36 out of final plot No. 52 out of City Survey No. 4690/1 situated at Dhule, admeasuring 40.90 square meter, was executed on 28.08.2018 and 19.11.2019. Along with said sale deed completion certificate of said apartment dated 13.12.2019 was attached. Dhule Municipal Corporation conducted an inquiry and it was revealed that the completion certificate dated 13.12.2019 was not issued by the Corporation. It is therefore alleged in the FIR that forged completion certificate was presented at the time of execution of sale deed. FIR is lodged against five persons. Applicants are accused No. 1 and 4 in the FIR. The husband and son of applicant No. 1 appears to be main accused in the offence.

4. Perused the investigation papers made available by learned Additional Public Prosecutor. On query from the Court, the learned Additional Public Prosecutor submits that accused Surendra had attended the police station and he is asked to produced original completion certificate.

5. So far as present applicant are concerned, only role played by them appears to be that they are signatory of sale

deed and as per the contention of the prosecution they are beneficiary of the sale deed.

6. Be that as it may the applicants were granted interim protection and they have followed the conditions and have co-operated in the investigation. Nothing is to be recovered from the applicants at this stage and therefore, custodial detention of the applicants is not warranted considering the fact that they are ladies. The application is therefore allowed in terms of interim order dated 19.09.2022.

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 not tamper with prosecution evidence.

[NITIN B. SURYAWANSHI, J.]