

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Anticipatory Bail Application No. 7 of 2022

Mohammad Safwan S/o Javed Iqbal

Versus

The State of Maharashtra, through Police Station officer, Police Station
Ramdaspath, Akola, Tq. and Dist. Akola

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.V.Sirpurkar, Advocate for the applicant.

Shri M.J.Khan, APP for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 29th MARCH, 2022.

The applicant is seeking pre-arrest bail in Crime No. 779 of 2021 registered with Ramdaspath Police Station, Akola for the offence punishable under Sections 420, 467, 471 read with Section 34 of Indian Penal Code. On the allegations that the applicant has mortgage same property on two different occasions with the bank by showing two sale-deeds of the same property.

2. This Court on 5th January, 2022 granted ad-interim anticipatory bail to the applicant and

accordingly he has been attending the police station in compliance with one of the conditions for grant of anticipatory bail.

3. Shri Sirpurkar, learned counsel for the applicant states that because of some rivalry with the Manager of the Bank, he has lodged the complaint to falsely implicate the applicant. It is submitted that there are two different duplex houses and the allegation that on two occasions, same property was mortgage is not correct. He submits that no purchaser has come forward to lodge a report, if the same property sold out by two different sale-deeds in the name of two different persons. He, therefore, prays for confirmation of ad-interim protection granted to the applicant.

4. Shri Khan, learned Additional Public Prosecutor has strongly opposed the application and submits that the applicant had cheated the bank. He submits that there is one more offence registered against the applicant and as such there is criminal antecedents to the discredit of the applicant. He, therefore, prays for rejection of the present application.

5. I have perused the case diary and also contents of the First Information Report. There is no complaint by the purchaser alleging that the property in

question was sold out to two different persons by two different sale-deeds. The bank has filed a complaint alleging that same property was twice mortgaged by executing two different sale-deeds.

6. The applicant has been attending the police station since January, 2022 and there is no complaint about abuse of concession. On perusal of the case diary and considering the material collected during investigation, I am of the opinion that in the alleged offence, custodial interrogation of the applicant is not necessary. In that view of the matter, I pass the following order.

ORDER

- i. Application is allowed.
- ii. Order dated 5th January, 2022 is confirmed with a modification that the applicant shall attend the concerned police station as and when his presence is required.

[ANIL S. KILOR, J.]

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