

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

CRIMINAL APPLICATION (ABA) NO.526 OF 2021

(GAJANAN NARAYAN DETHE...VS.. THE STATE OF MAH. THR. PSO PS WANI, DIST. YAVATMAL)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.R.Rathod, Advocate for Applicant.
Shri T.A.Mirza, A.P.P. for Non-applicant No.1/State.

CORAM : ANIL S. KILOR, J.
DATED : APRIL 19, 2022.

1. Heard.

2. The applicant is seeking pre-arrest bail in Crime No. 330 of 2021, registered with Police Station, Wani, District : Yavatmal for the offences punishable under Sections 420, 465, 468, 471 and 34 of the Indian Penal Code. The applicant was working as Talathi at the relevant time. The allegations made in the First Information Report (FIR) against the accused are that the accused Ravindra and Rupali Yerne have mortgaged one and the same property with four different banks and availed loan facility and thereby cheated the said Banks.

3. Shri Rathod, learned counsel for the present applicant submits that the allegations are mainly against the accused No.1. He further submits that the allegation against the applicant is that he has not recorded entry about the mortgage deed in the revenue records. He submits that officers and employees of Rangnath Swami

Patsanstha are at fault and to save themselves they are now making allegations against the present applicant, who has no concern with the said crime.

4. On the other hand, the learned A.P.P. has strongly opposed the present application. He submits that the offence is of very serious nature. Though the property was mortgaged with Rangnath Swami Patsanstha, the applicant being Talathi/ Revenue Officer did not take entry of the charge in the relevant records, which helped the main accused to sell/alienate the said property to others. He further submits that the applicant is hand in gloves with the main accused. He, therefore, prays for rejection of the present application.

5. After going through the case diary and the contents of the F.I.R. it is revealed that no specific role is attributed to the applicant, as attributed to the accused No.1. Even the name of the applicant does not appear in the F.I.R.

6. In that view of the matter, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Hence, I pass the following order:

- (i) The application is allowed.
- (ii) The order dated 21st August 2021, granting ad-interim anticipatory bail to the applicant, is hereby confirmed.

The application is **disposed of** accordingly.

Pending application(s), if any, shall stand **disposed of** accordingly.

JUDGE

RRaut.