

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

Criminal Application (ABA) No. 603 of 2022

Jamir Mustafa Turak

Versus

State of Maharashtra, through Police Station Officer, Police Station
Sawangi Meghe, Dist. Wardha

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

Court's or Judge's Order

Shri P.K.Bezalwar, Advocate for the applicant.

Shri A.R.Chutke, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 24th August, 2022.

The applicant has approached to this Court by filing the present application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No. 376 of 2022 registered with Police Station Sawangi (Meghe), Dist. Wardha for the offence punishable under Sections 420, 468, 471 read with Section 34 of Indian Penal Code.

2. Learned counsel for the applicant submits that the only allegations against the applicant is that he helps the complainant in finding open plot as he was

interesting in purchasing a plot and another allegation is that the applicant signed on the agreement of sale and sale-deed as an attesting witness. It is submitted that the applicant is no way connected with the alleged offence and he has been falsely implicated in the alleged offence. Accordingly, he prays for grant of pre-arrest bail.

3. On the other hand, learned Additional Public Prosecutor strongly opposed the application and submits that during the investigation it is revealed that the applicant introduced the complainant with the co-accused nos. 3 to 6 and he signed the agreement of sale and sale-deed as an attesting witness to the said documents. Thus, he submits that considering the incriminating material collected by the Investigating Officer, this Court may not grant pre-arrest bail to the applicant.

4. I have perused the case diary and the application.

5. From the allegations made in the First Information Report, it can be seen that applicant introduced the complainant with the co-accused nos. 3 to 6 and thereafter he signed two documents namely agreement of sale and the sale-deed as an attesting witness. There are no allegations made in the First

Information Report or there is no material available in the case diary to show that the applicant has received any monetary benefit in the said transaction. Thus, considering the above referred allegations made in the First Information Report, I am of the opinion that the custodial interrogation of the applicant is not necessary in this case. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. Order dated 17th August, 2022 granting *ad interim* anticipatory bail is hereby confirmed with modification that the applicant shall attend the concerned Police Station as and when his presence is required.

[ANIL S. KILOR, J.]

SACHINDANAND
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by
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Date: 2022.08.24
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