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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.76 OF 2023

Janabai w/o Suryabhan Gatkai

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Bramhanand M. Dhanure, Advocate for the applicant

Mr. A. V. Deshmukh, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 28th FEBRUARY, 2023

ORDER :

1. Applicant apprehends arrest in Crime No. 1153 of 2022 registered with Newasa Police Station, Taluka – Newasa, District – Ahmednagar for offence punishable under sections 420, 465, 468, 471 read with 34 of the Indian Penal Code.
2. FIR is lodged by Subhadrabai Bhausaheb Kale against three accused persons – Sachin Bhausaheb Kale, Sonali Sachin Kale and present applicant. It is, in short, alleged in the FIR that one partition proceeding, under section 85 of the Maharashtra Land Revenue Code, bearing No. 115 of 2018, was initiated before Tahsildar Newasa. By order dated 21st July, 2018, share of the informant in land Gut No. 311 situated at Tulkudgaon, was

transferred in the name of accused No. 2 Sonali Kale. It is alleged that the informant never consented for such transfer of her share and she never attended the said proceedings. Accused persons, in collusion with each other, prepared forged documents such as her Aadhar Card and produced the present applicant in place of the informant.

3. Heard learned advocate for the applicant and learned Additional Public Prosecutor for the State. Perused the papers of investigation.

4. Accused No.1 Sachin was arrested in the present crime and he has been released on bail. Accused No.2 Sonali was granted anticipatory bail by the Sessions Court. Present applicant, who is 77 years of age, was granted interim protection and was directed to co-operate in the investigation. She has attended the police station and co-operated in the investigation. The Investigating Officer has already seized the relevant documents from the record of Tahsil office. Nothing is to be recovered from the applicant. Investigation appears to be on the verge of completion. In the facts of the present case, pre-trial custodial detention of the applicant is not necessary.

5. In the result, the application is allowed. In the event of

arrest of the applicant in Crime No. 1153 of 2022 registered with Newasa Police Station, Taluka – Newasa, District – Ahmednagar for offence punishable under sections 420, 465, 468, 471 read with 34 of the Indian Penal Code, the applicant be released on executing Personal Bond of Rs.15,000/- with one surety in the like amount.

6. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the Investigating Officer. The applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE