

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 113 OF 2023

Sujata Rajesh Patil & Another ...Applicants

Versus

The State of Maharashtra & Another ...Respondents

ALONG WITH
ANTICIPATORY BAIL APPLICATION NO. 114 OF 2023

Vinod Punjabrao Deshmukh & Others ...Applicants

Versus

The State of Maharashtra & Another ...Respondents

ALONG WITH
ANTICIPATORY BAIL APPLICATION NO. 213 OF 2023

Santosh Bhalchandra Chavan ...Applicant

Versus

The State of Maharashtra & Another ...Respondents

Mr. Ajeet B. Kale, Advocate for applicant in ABA Nos. 113/2023 and 114/2023.

Mr. Mahendra Kochar h/f. Mr. B.R. Warma, Advocate for applicant in ABA No. 213/2023.

Mr. A.A. Jagatkar, APP for respondents.

Mr. B.S. Deshmukh, Advocate for informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th FEBRUARY, 2023

ORDER :

1. Applicants are apprehending arrest in Crime No. 630 of 2022, registered with Zilhapeth Police Station, Jalgaon, for offence under sections 420, 120-B, 465, 467, 468, 469, 471, 474, 500 read with 34 of the Indian Penal Code.

2. FIR is lodged by Manoj Wani alleging that accused persons conspired together for grabbing properties of informant and his wife and prepared forged and fabricated back dated agreements to sale. Accused- Sujata Patil has signed on said agreements as witness. It is alleged that accused No. 1- Rajesh Patil became owner of property in question in view of will deed of his deceased father Ghanshyam Patil. He sold the properties in question to the informant for consideration of Rs. 30,00,000/- each, on 03.10.2019 by way of registered sale deed. On 02.11.2022 from the public notice issued in the newspaper Lokmat and Divya Marathi, informant came to know that accused have prepared forged agreement to sale of his residential house and four rooms purchased by him at Ramdas Colony 18/2, and they are trying to grab the properties. Accused persons have purchased back dated stamp and fabricated the signature of deceased Ghanshyam Patil and thereby cheated the informant.

3. Heard the learned advocates for the applicants, learned Additional Public Prosecutor for respondents and learned advocate for informant. Perused the investigation papers.

4. It appears from the record that Sujata Patil has published public notice in the local newspaper that public should not enter into any transaction with her husband Rajesh Patil as he is suffering from mental ailment. After publication of said notice, present FIR is lodged.

5. Informant has also lodged FIR at Crime No. 336/2022 against accused persons named in the present FIR as well as against some other accused alleging that from his office premises, accused persons have taken away furniture etc.

6. Civil litigation is going on between informant and his wife on one side and accused persons on the other. Regular Civil Suit No. 283/2022 is filed by informant and his wife against Jitendra Deshmukh, Milind Sonwane, Jagdishchandra Patil and Sujata Patil seeking injunction not to disturb their peaceful possession.

7. Accused Sujata Patil has filed proceeding before the Collector against Ashok Mahajan, Manager, Godavari Laxmi Co-operative Bank Ltd., Jalgaon and informant and his wife seeking cancellation of sale deeds executed in favour of informant and his wife, on the ground that her husband Rajesh Patil is suffering from mental disorder since 1995, hence all the transactions entered into by him be declared null and void. She has filed Regular Civil Suit No. 2/2023, seeking declaration that the sale deeds executed in favour of informant and his wife be declared null and void. She has also filed proceeding i.e. Securitisation Application No. 441/2022, challenging action of Godavari Laxmi Co-operative Bank of attachment of said properties.

8. Today, applicants have produced two original agreement to sale executed by deceased Ghanshyam Patil and Hirabai patil dated 03.1.2017. There appears substance in the contention of applicants that stamp paper was issued from Collector office on 03.01.2017 and it was purchased in the name of Milind Sonwane on 07.01.2017 from the stamp vendor and thereafter agreement was notarized on 06.04.2017 and the date of execution mentioned as 03.01.2017 is a typing mistake, which in fact should be 06.04.2017.

9. From the documents it appears that the dispute is of civil nature which is given criminal colour.

10. Considering aforesaid circumstances and the fact that allegations in the FIR pertain to documents, copies of which are already seized by the investigation officer and as the applicants have undertaken to give their specimen signature and handwriting to investigation officer, pre-trial custodial detention of the applicants in the facts of the present case is not necessary.

11. In the result, applications are allowed.

12. In the event of arrest of applicants in connection with Crime No. 630 of 2022, registered with Zilhapeth Police Station, Jalgaon, for offence under sections 420, 120-B, 465, 467, 468, 469, 471, 474, 500 read with 34 of the Indian Penal Code, applicants shall be released on executing personal bond of Rs. 15,000/- each with one surety in the like amount.

13. Applicants/either of them shall produce two original agreements to sale, produced in the Court today, before the

investigation officer. The same shall be used by investigation officer for investigation purposes. After completion of investigation in respect of these two agreements or if it is required for producing it in the Civil Court, the investigation officer shall return the original to the applicant, who has produced the same by retaining copies of the same in the investigation papers.

14. Applicants shall co-operate the investigation officer by giving their specimen signature. Till filing of charge sheet, applicants shall attend the concerned police station on every Saturday and Sunday, between 10.00 am to 2.00 pm, and co-operate in the investigation. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]