

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1515 OF 2022

**SAADODDIN HAMIDODDIN SIDDIQUI
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. S.S. Kazi, Advocate for Applicant
Mr. A. V. Deshmukh, APP for Respondents – State

...

WITH

ANTICIPATORY BAIL APPLICATION NO.191 OF 2022

**HABIBODDIN S/O SARDARODDIN SIDDIQUI AND OTHERS
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. S.S. Kazi, Advocate for Applicants
Mr. A. V. Deshmukh, APP for Respondents – State
Mr. N.E. Deshmukh, Advocate for Informant
Mr. S.S. Shaikh, Advocate for Assist to APP

...

WITH

ANTICIPATORY BAIL APPLICATION NO.195 OF 2022

**VASANT S/O GANPATRAO MANDLIK AND ANOTHER
VERSUS**

THE STATE OF MAHARASHTRA

...

Mr. V.D. Sapkal, Sr. Advocate i/b Mr. S.R. Sapkal, Advocate for
Applicants
Mr. A.V. Deshmukh, APP for Respondent – State
Mr. N.E. Deshmukh, Advocate for Informant

...

WITH

ANTICIPATORY BAIL APPLICATION NO.257 OF 2022

**PARMESHWAR S/O KARBHARI RAKH
VERSUS**

THE STATE OF MAHARASHTRA

...

Mr. S.S. Thombre, Advocate for Applicant
Mr. A. V. Deshmukh, APP for Respondent – State

...
WITH
ANTICIPATORY BAIL APPLICATION NO.288 OF 2022

UDHAV MARUTI HINDOLE
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. Sahebrao A. Nagarsoge, Advocate for Applicant
Mr. A.V. Deshmukh, APP for Respondent – State

...
WITH
ANTICIPATORY BAIL APPLICATION NO.353 OF 2022

PURUSHOTTAM S/O SUDHAKAR ANDHLE
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. Pramod N. Muley, Advocate for Applicant
Mr. A.V. Deshmukh, APP for Respondent – State

...
WITH
ANTICIPATORY BAIL APPLICATION NO.381 OF 2022

SAYED AZMATULLAH SAYED RAZAULLAH INAMDAR
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. S. S. Thombre, Advocate for Applicant
Mr. A.V. Deshmukh, APP for Respondent – State

...
WITH
ANTICIPATORY BAIL APPLICATION NO.577 OF 2022

PRAKASH S/O SAUNDAJI PATIL
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. R.S. Deshmukh, Sr. Advocate a/w Mr. Vishal Chavan, Advocate
i/b Mr. D.R. Deshmukh, Advocate for Applicant
Mr. A.V. Deshmukh, APP for Respondent – State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 21st FEBRUARY, 2023

PER COURT :

1. The applicants in all these applications apprehend their arrest in Crime No.474/2021, registered with Shivaji Nagar Police Station, Beed, for offences punishable under sections 409, 420, 467, 468, 471 r/w 34 of the Indian Penal Code and section 52(A)(2) of the Wakf Act, 1954.

2. Crime is registered on the basis of report lodged by Aminuzamma S/o Khalikuzamma, District Waqf Officer, Beed, against the applicants alleging that land admeasuring 796 Acres 31 Gunthas is allotted to Shehanshawali Dargah from Nizam regime. Muntakhab No.1871 is relating to the said Dargah under which various lands situated at Beed, Pathrud, Padalsingi, Agarnandur and Talwada are granted for service of Dargah. Lands bearing Survey Nos. 22, 23, 31, 32, 88, 89 and 95 situated at Beed are Khidmatmash lands for the service of Dargah. Habiboddin s/o Sardaroddin (applicant No.1 in Anticipatory Bail Application No.191 of 2022) prepared false and fabricated Muntakhab No.4744 of 1336, so also, bogus File No.78/HIA/Inam/2/160 filed on 25/12/1978 which is shown as disposed of by judgment dated 02/02/1982 and for implementation of said decision one more file is prepared in the year 2016 in collusion with Revenue Officer. Accordingly, mutation entries were changed in the name of

Habiboddin and his brothers, in respect of lands bearing Survey Nos.22 and 95. When the information regarding Muntakhab No.4744 was called from the Department of Archaeology, Hyderabad, it is informed that no such Muntakhab is available in their officer. Piece of land from Survey Nos.22 and 95 has been acquired for construction of National Highway No.211 and amount of Rs.15 Crores for compensation of the same is laying with the Collector Office, Beed. For the purpose of withdrawal of said amount, accused Habiboddin has prepared false record and cheated Government as well as Wakf Board. Applicants in collusion with each other passed the order based on false Muntakhab No.4744 and directed recording of names of Habiboddin and others in the mutation record of Survey Nos. 23, 31, 32, 88 and 89. Habiboddin has sold out land from Survey Nos. 22 and 95, ad-measuring 10 acres in favour of Shaikh Ashfak Gous and three others by sale deed registered with Joint Sub-Registrar, Beed. Thereafter the purchasers have demarcated plots and the same are transferred in the names of various persons.

3. Heard learned senior advocates and learned advocates for applicants, learned Additional Public Prosecutor for State and learned advocate for informant. Perused the documents placed on record.

4. Case of the prosecution is based on documents and revenue record. The relevant documents and revenue record is seized by the investigating officer. Learned senior advocate for applicants has placed on record copy of the charge-sheet filed in present crime on 10/06/2022. The case is numbered as R.C.C. No.350/2022. Applicants were granted interim protection and they have cooperated in the investigation.

5. In view of filing of charge-sheet nothing is to be recovered from applicants. Pre-trial custodial detention of applicants is not necessary in the facts of the present case.

6. Learned Additional Public Prosecutor, however, submits that investigating officer has reserved his right to conduct further investigation under section 173(8) of Cr.P.C., if any material is found during the course of further investigation, the prosecution may be given liberty to apply for cancellation of anticipatory bail. That liberty is always there with the prosecution.

6. In the result, applications are allowed.

7. In the event of arrest of applicants in Crime No.474/2021, registered with Shivaji Nagar Police Station, Beed, for offences punishable under sections 409, 420, 467, 468, 471 r/w 34 of the Indian Penal Code and section 52(A)(2) of the Wakf Act,

1954, applicants be released on executing Personal Bond of Rs.15,000/- each, with one surety in the like amount. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)