

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.359 OF 2023

ZAFAR KHAN S/O. YUNUS KHAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Satej S Jadhav
APP for Respondent : Mr. S. P. Sonpawale
...

CORAM : S. G. MEHARE, J.

DATE : 31-03-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned counsel for the respondent.
2. It is a case of impersonation. It has been alleged against the applicant that he has agreed to purchase the property from the owner Shaikh Najir Shaikh Habib. He paid Rs.55 Lakhs in cash and by impersonation got the sale deed executed for Rs.15 Lakhs. On receipt of the letter of the vendor, the Sub-Registrar lodged a report and the present crime has been registered.
3. The applicant has a case that the vendor himself was present in the office of Sub-Registrar and executed the sale deed. His photographs with Aadhar card were taken at five places. After execution of the sale deed, the vendor did not complain for a year.

However, he started demanding more money, which the applicant was not agreed. Therefore, he wrote a letter to the Sub-Registrar and the Sub-Registrar lodged the incorrect report against the applicant. He has been arrested in the crime. In fact, the vendor cheated the applicant with intent to grab more money. He is falsely denying the execution of sale deed. In his letter addressed to the Sub-Registrar, he has admitted that cash amount has been paid. The photograph on the sale deed is not fake. It is genuine and the sale deed was executed by vendor Shaikh Nazir Shaikh Habib. The investigation has been completed. Hence, he may be released on bail.

4. The learned A.P.P. expressed a doubt about photograph of the vendor on the sale deed. He would submit that the offence is serious. *Prima facie* it appears that the photograph of the vendor was changed and some another person was shown executed the sale deed. Considering the gravity of the offence, he may not be granted bail.

5. Perused the papers. Only dispute is about the impersonation. However, the fact remains that the vendor admitted that he had received Rs.55 Lakhs in cash and not denied that he did not receive Rs.15 Lakh through bank cheques. His photographs were taken at five places. He kept silence for one year. A thorough investigation has made and the chargesheet has

been filed. In the facts and circumstances of the case, further detention of the applicant would serve no purpose. Hence, the following order :-

- i) The application is allowed.
- ii) Applicant Zafar Khan s/o. Yunus Khan be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of like amount in C.R.No.316 of 2022, registered with City Chowk Police Station, District Aurangabad, for the offence punishable under Sections 417, 420, 467, 468, 471 read with Section 34 of the Indian Penal Code and Section 82(c) of the Registration Act, 1908, on the following conditions -
 - (a) He shall not leave the place of his residence without intimation to the concerned police station on phone till the conclusion of the trial.
 - (b) He shall cooperate with the investigation.
 - (c) He shall not tamper with the prosecution witnesses.

**(S. G. MEHARE)
JUDGE**

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