

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.351 OF 2023

Anil s/o Bapusaheb Kharse

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....
Mr. Govind Kulkarni, Advocate holding for
Mr. Devang R. Deshmukh, Advocate for applicant
Mr. K.N. Lokhande, A.P.P. for respondents
.....

CORAM : R.G. AVACHAT, J.

DATE : 6th APRIL, 2023

PER COURT :

Heard. This Court, vide order dated 15/3/2023, has protected the applicant herein. The allegations against the applicant are that, in spite of there being no partition of the land Gut No.53, he agreed to sell a roadside particular portion of the land in the very Gut Number. The said portion is proposed to be used for setting up a petrol pump thereon. The informant's mother has, under a registered sale deed, purchased that particular portion of the land. A copy of the sale deed is on record, containing the description. A sketch has also been attached with the sale deed. The same indicates that the roadside portion of the land in Gut No.53 was purchased by the

mother of the informant. The applicant, therefore, should not have agreed to sell the very land to others. Over the same, a civil suit is pending. The Civil Court has granted injunction in favour of the informant. Needless to mention, the agreement to sale does not create any right, title and interest in favour of the proposed purchaser. The nature of evidence is documentary. It appears that, the original documents might be before the Civil Court. If those are not there, the investigating officer may collect those from the applicant herein. The applicant shall, if required, give the investigating officer the original documents for investigation purpose.

2. With the aforesaid observations, the application is allowed. The order granting interim protection is made absolute.

3. The applicant shall not tamper with the prosecution evidence and shall appear before the investigating officer as and when required for the purpose of investigation.

(R.G. AVACHAT, J.)

fmp/-