

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

ANTICIPATORY BAIL APPLICATION NO. 378 OF 2023

Chaya Prakash Dhage

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. N.T. Tribhuwan, Advocate for applicant
Mr. N.T. Bhagat, A.P.P. for respondent - State
....

**CORAM : R.G. AVACHAT, J.
DATED : 05th APRIL, 2023**

PER COURT :

1. Leave to amend.
2. This is an application under Section 438 of Code of Criminal Procedure. The applicant claims to have an apprehension of being arrested in connection with Crime No. 31 of 2023 registered with M.I.D.C. Police Station, Dist. Latur for the offences punishable under Sections 420, 465, 467, 468 and 471 read with Section 34 of the Indian Penal Code ('I.P.C.').
3. Heard. Perused First Information Report ('F.I.R.') and related police papers.

4. It has been alleged in the F.I.R. that the informant purchased Plot Nos.12 and 13 from its original owner – Dayanand Atmaram Singhan on 15th March, 2004. Both the plots were vacant. She and her husband used to visit the plots occasionally. In the year 2017, her husband suffered paralysis attack and therefore, they could not visit the plots. Her husband passed away in October 2021. The informant and her son visited the plots on 30th November, 2022 to find a tin shed on the plot and the applicant and her husband residing therein. She, therefore, went to the concerned Talathi, from whom she came to know that real estate agents – Sagar Bade and Nanasaheb Chavan had given him some papers of effecting mutation entry therein.

5. The applicant has placed on record certain documents. The applicant admits that Dayanand Atmaram Shingan was the original owner of Plot Nos.12 and 13. The record further indicates that the said original owner sold both the plots to the informant herein. The applicant's father purchased Plot No.13 from same owner in March 2007. As to whether the sale-deed was executed by the original owner or he sold the said plot to the applicant's father herein after having sold the same to the informant, is a matter to be gone into by the civil Court. As such, the evidence is documentary. If the vendor did not have right, title and interest to transfer the same to the father of the applicant herein, he would not get any right, title and interest therein.

Present applicant appears to have not played any role in getting the plot sold in the name of her father. She is an attesting witness to the sale-deed wherein her husband purchased part of the plot from her father. There is also record to indicate that the applicant and her husband were granted construction permission way back in 2014 and construction is standing thereon.

6. Since the applicant is a woman and nature of allegation indicates her custodial interrogation is not warranted, order dated 21st March, 2023 granting her interim anticipatory bail is hereby made absolute. The applicant shall appear before the investigating officer, as and when required for the investigating purpose. The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD