

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 419 OF 2023

1. Suhas s/o Damodhar Bhalerao
 2. Vaibhav s/o Damodhar Bhalerao
 3. Narendra s/o Prabhakar Purkar
- Applicants

Versus

The State of Maharashtra & another

Respondents

Mr. S. R. Zambare, Advocate for the applicants.
Mr. S. N. Morampalle, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 21st JUNE, 2023.

PER COURT :

1. When this Court expressed disinclination to entertain application of applicants No. 1 and 2, learned counsel for the applicants, on instructions, seeks withdrawal of the application to the extent of applicants No. 1 and 2. Hence, application stands dismissed as withdrawn qua applicants No. 1 and 2.

2. Perusal of the First Information Report indicates that the property being House No. 846 originally belonging to Bhalchandra was inherited by the informant and others. It is alleged that in the

year 2021 it was found that the trees in the said property were cut and at that time applicants No. 1 and 2 claimed that they have purchased the said property. When the informant tried to find out relevant record, it was revealed that by showing the heirs of Bhalchandra as deceased, Yogeshwar Dattatraya Gandhe on the basis of false affidavit has included his name in the property record and thereafter, he sold the same to applicants No. 1 and 2.

3. Learned counsel for applicants contends that applicant No. 3 has nothing to do with the transfer of the property in the name of Yogeshwar Dattatraya Gandhe. He states that the applicant has only signed the sale-deed between Yogeshwar and applicants No. 1 and 2 as witness and that the executants of documents are identified correctly.

4. Though learned APP submits that this is a case wherein on the basis of false affidavit record has been mutated in the name of Yogeshwar in respect of the property in question, but there is nothing on record to indicate that applicant No. 3 was in any way concerned with the said mutation. At the most, the allegation against him would be that he is the signatory to the sale-deed as witness. There

is no dispute about the fact that the vendor and purchasers of the said sale-deed are rightly identified by the witness. Hence, liberty of applicant No. 3 deserves to be protected. Hence, the following order :-

ORDER

(i) Application is allowed to the extent of applicant No. 3 Narendra s/o Prabhakar Purkar.

(ii) Application stands dismissed qua applicants No. 1 and 2 as withdrawn.

(iii) In the event of arrest of applicant Narendra s/o Prabhakar Purkar, in connection with Crime No.829/2022, registered with Parner Police Station, Tq. Parner, Dist. Ahmednagar, for the offences punishable under Sections 199, 200, 419, 420, 448, 465, 467, 471, 474 read with Section 34 of the Indian Penal Code, he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount.

(iii) He shall attend the concerned police station as and when called.

(iv) He shall not contact the witnesses directly or indirectly.

(v) He shall not interfere with the evidence in any manner whatsoever.

(vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI)
Judge

dyb