

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

ANTICIPATORY BAIL APPLICATION NO.630 OF 2023

**SADHANA W/O BALU @ BALASAHEB SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

Mr. B. S. Kudale, Advocate for the applicants
Mr. V. S. Badakh, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 06th JUNE, 2023

P.C. :-

1. Applicants who are purchasers and witnesses to the sale deed in respect of the plot Nos. 93 and 96 situated at Beed are apprehending arrest in connection with C.R. No. 161 of 2023 registered with Shivajinagar Police Station, Beed, for offences punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code.

2. It is alleged in the FIR that city survey no. 9089 belongs to Municipal Council, Beed and in spite of the said fact, Meenabai and her husband Ashok have entered in to a sale deed in respect of the same relying upon the forged property card. It is further alleged that said Ashok subsequently sold the property to applicant No. 1 by registered sale deed dated 07/04/2022 and the applicant No.2 is the witness to the

said document.

3. Learned counsel for the applicants states that the applicant No.1 is the bonfide purchaser of the property and believing upon the documents to be true. She obtained registered sale deed for consideration which is paid to the vendor by cheque. He further states that both applicants had no knowledge about the alleged forgery of document in respect of the property in question. Thus, according to him these applicants deserve pre-arrest bail.

4. Learned APP opposed the said contention with the submissions that there is *prima facie* material on record to indicate that bogus mutation entries were taken and on the basis of which property card was prepared in the name of Meenabai in respect of plot Nos. 93 and 96 belonging to Municipal Council. Thus, according to him act of purchase of said property shows that present applicants are also equally responsible for causing loss to the public property.

5. Perusal of record indicates that the mutation entries No. 8334 and 12440 are said to be bogus. The mutation entry No. 8334 is taken long back before the present applicants were involved in the transaction. *Prima facie* there is nothing on record to indicate that the in collusion of

applicants those bogus entries were made and property card was prepared. In view of the fact that the applicant No.1 has paid the entire consideration by cheque goes to show that she could be a bonafide purchaser of the property. Similarly there is nothing to indicate that the applicant No.2 who was witnesses to the said document had any knowledge about the fabrication of document. No recovery is to be done from applicants, hence their custodial interrogation is not necessary.

6. In the light of these facts liberty of applicants needs to be protected. Applicants were protected by interim order and there is nothing on record to indicate that the said order of protection has been misused by them. Hence, application is allowed on the same terms of interim order dated 26th April, 2023.

(R. M. JOSHI, J.)

ssp