

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1098 OF 2023

Hitesh Bhika Gurav

Applicant

Versus

The State of Maharashtra

Respondent

Mr. G. R. Syed, Advocate for the applicant.

Mr. S. B. Jadhav, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 1st DECEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 525/2023 registered with Nandurbar City Police Station, Dist. Nandurbar for the offences punishable under Sections 406, 464, 466, 468, 420 read with Section 34 of Indian Penal Code.

2. First informant alleges that property of the informant was sold by accused No. 1 by impersonating herself to be the owner of the property to present applicant who is accused No. 2. There was registered sale-deed executed in respect of the said transaction. On the basis of these allegations, it is claimed by him that all accused in collusion with each other cheated the owner of the property.

3. Learned counsel for the applicant submits that infact informant purchased the property and that registered document was executed in his favour on 6th October, 2021. He further submits that when it was revealed that informant is not the vendor of the property in question, cancellation deed was registered on 16th June, 2022. It is his further contention that on the very same day, another registered document came to be executed whereby co-accused had sold her different property to the applicant.

4. Learned APP though opposed the application, was unable to dispute the aforestated facts from the investigation papers.

5. Though there is allegation in the First Information Report that the owner of the property in question was cheated by execution of sale-deed in favour of present applicant, however, subsequent conduct of applicant indicates that he had cancelled the said transaction by entering into registered deed. Thus, prima facie this Court has reason to accept contention of learned counsel for the applicant that infact applicant is the victim and not perpetrator of crime. Nothing is to be recovered at the instance of the applicant.

There are no criminal antecedents against the applicant. He is not likely to flee from justice. In view of this, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dwb