

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

ANTICIPATORY BAIL APPLICATION NO.1403 OF 2023

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|--------------------------------------|-----------------------------------|
| 1. Deepmala w/o Tukaram Chandanshive | |
| 2. Rasika w/o Sudhakar Kamble | ... APPLICANTS
(Orig. accused) |

VERSUS

The State of Maharashtra Through Police Station Officer, MIDC Police Station, Latur, Dist. Latur	... RESPONDENT
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Mr. P. P. More, Advocate for the applicants
Mr. G. O. Wattamwar, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 5th SEPTEMBER, 2023

P.C. :-

1. At the outset, when this Court has shown its disinclination to grant relief to the applicant No.2, learned counsel for applicant No.2, on instructions, seeks withdrawal of the application to her extent. Hence application is dismissed as withdrawn qua applicant No. 2.

2. Applicant No.1 apprehends arrest on connection with Crime No. 321/2022 registered with MIDC Latur Police Station, District Latur for the offences punishable under Sections 419, 420, 464, 468, 470, 471 read with 34 of IPC.

3. The first informant is the owner of gut No. 54 situated at

Pakharsangavi, Tal. Dist. Latur. He had purchased the said property from Ramrao Eknathrao Birajdar by registered sale deed No. 6452/2004. On 19/05/2022 when he went to the property he found one board with mobile number thereon not belonging to him. When he called the said person it was informed to him that the said plot is sold to him. Hence he was taken to concerned police station wherein the said Govind Bhole claimed that the said plot is sold to him by impersonating him as the owner for consideration of Rs.8 lakhs. It is further alleged therein that apart from this other transactions also had taken place and applicant No.1 is one of such purchaser.

4. Learned counsel for the applicant submits that she is the bonafide purchaser of the property in question for valuable consideration. It is his submission that no further transaction is entered into by this applicant and hence it cannot be said that she was party to the crime in question. He claimed that in fact applicant No.1 is the victim of the crime.

5. Learned APP opposed the application by contending that the property in question was sold on the basis of impersonation and since the said consideration has not been paid by cheque or bank transaction, there is reason to believe that the applicant No.1 is a party to the said crime. It is further submitted that the sale deed registered in favour of applicant No.1 does not content that the original title deeds and which

creates doubt about she being bonafide purchaser of the said property.

6. Perusal of the investigation papers do not show any evidence to indicate that this applicant had acquaintance with man who impersonated himself to be the owner of the property. The signatory to the sale deed has been identified by the witnesses as well as his Aadhar card is filed along with it. Thus, apparently sufficient care was taken by the applicant to ensure she enters into the transaction with correct person. If ultimately it is found that the person who executed the document is not owner of the property but is impersonator, this applicant cannot be held responsible for the same. Moreover there is nothing to show that she has gained anything from the said crime. This Court finds substance in the contention of the learned counsel for the applicants that she could be a victim of the crime. Apart from this fact, since the applicant is a lady and document in question is duly registered with Sub Registrar of Assurances, she is entitled for pre arrest bail. In any case for the purpose of any recovery/discovery she shall be deemed to be in the custody of the police for the said purpose. Hence the following order.

ORDER

(i) Application is allowed qua applicant No.1- Deepmala w/o Tukaram Chandanshive.

(ii) In the event of arrest of applicant No.1 in connection with Crime No. 321/2022, registered with

MIDC Latur Police Station, Dist. Latur for the offences punishable under Sections 419, 420, 464, 468, 470, 471 read with 34 of IPC, she shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.

(iii) She shall appear before the Investigating Officer as and when called till filing of the charge-sheet

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

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

(R. M. JOSHI, J.)

ssp