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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1479 OF 2022

Savita Diilp Sonawane	APPLICANT
VERSUS	
The State of Maharashtra and Another	RESPONDENTS

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Mr. Datta A. Madake, Advocate for the applicant
Mr. A. A. Jagatkar, APP for respondent - State

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WITH
ANTICIPATORY BAIL APPLICATION NO.1487 OF 2022

Aadesh Kundanmal Sharma	APPLICANT
VERSUS	
The State of Maharashtra and Another	RESPONDENTS

WITH
ANTICIPATORY BAIL APPLICATION NO.1488 OF 2022

Jayesh Pandit Bhadane	APPLICANT
VERSUS	
The State of Maharashtra and Another	RESPONDENTS

WITH
ANTICIPATORY BAIL APPLICATION NO.1492 OF 2022

Rajkumar Kevalchand Sharma	APPLICANT
VERSUS	
The State of Maharashtra and Another	RESPONDENTS

WITH
ANTICIPATORY BAIL APPLICATION NO.1334 OF 2022

Pandit Arjun Bhadane and Another	APPLICANTS
VERSUS	
The State of Maharashtra and Another	RESPONDENTS

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Mr. C. V. Bhadane, Advocate for the applicants

Mr. A. A. Jagatkar, APP for respondent - State
Mr. S. V. Suryawanshi, Advocate for informant

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WITH
ANTICIPATORY BAIL APPLICATION NO.1390 OF 2022

Aasha Ramesh Patil
VERSUS

APPLICANT

The State of Maharashtra and Another

RESPONDENTS

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Mr. H. P. Randhir, Advocate for the applicant
Mr. A. A. Jagatkar, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 18th JANUARY, 2023

ORDER :

1. The applicants apprehend arrest in Crime No. 228 of 2018 registered with Jilhapeth Police Station, Jalgaon for offence punishable under sections 409, 420, 465, 467, 468, 471, 474, 120-B read with 34 of the Indian Penal Code.

2. FIR is lodged by Abhimanyu Arjun Patil against 11 accused persons. It is alleged in the FIR that accused No.1 and 2, along with other accused persons, have duped landless persons, by giving promise of one acre government land on payment of Rs.1 lakh. The present applicants are shown to be owners of the lands, which were not in existence and they have sold said lands to other persons for valuable consideration. Thus, the accused

persons hatched conspiracy to deceive purchasers.

3. Heard learned advocates for the applicants, learned Additional Public Prosecutor for the State and the learned advocate for informant. Perused the investigation papers.

4. Perusal of the investigation papers reveals that the entire amount received from the sale and purchase of the lands is retained by accused No.1. On an inquiry conducted by a committee of 5 persons appointed under the Chairmanship of Additional Collector, Jalgaon, it is found that accused No.1 committed the offence, in which even the present applicants are also duped. The entire consideration amount is kept by accused No.1.

5. Investigation appears to be almost complete. However, since accused No.1 is absconding, charge sheet is not yet filed. The applicants were granted interim protection and they were directed to attend the police station. The applicants have attended the police station.

6. Though learned Additional Public Prosecutor states that the applicants have not co-operated in the investigation, yet the said statement cannot be accepted in the light of the fact that accused No.1 appears to have prepared forged 7/12 and 8A

extracts showing lands in the names of the present applicants and, therefore, the applicants are not in a position to answer the questions of the Investigation Officer in that behalf.

7. Nothing is to be recovered from the applicants. Pre-trial custodial detention of the applicants, in the facts of the present case, is not warranted.

8. In the result, the applications are allowed by confirming the interim orders. Till filing of the charge sheet, the applicants shall attend the concerned police station as and when called by the Investigation Officer. The applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE