

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1679 OF 2022

Padmakar Gangadhar Bhingardive Applicant

Versus

The State of Maharashtra
and another Respondents

.....
Mr. Manoj A. Dond, Advocate for the Applicant
Ms. R.P. Gaur, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 04th JANUARY, 2023

ORDER :

1. The applicant apprehends his arrest in connection with Crime No.0808 of 2022 registered with Kotwali Police Station, Ahmednagar for the offence punishable under sections 420, 467 and 471 of the Indian Penal Code.

2. Prabhakar Gangadhar Bhingardive, real brother of the applicant lodged FIR alleging that the applicant by preparing forged documents sold ancestral property out of old CTS No.6582, plot No.200 admeasuring 46.4 square meters in T.P. Scheme No.3 at Maliwada, Ahmednagar, and subsequently repurchased it. Though other brothers and sisters were having share in the said property, name of the applicant alone was subsequently recorded to the said property.

3. Heard learned advocate for the applicant and learned Additional Public Prosecutor for the State. Perused the papers of the investigation.

4. It appears that previously civil suit No. 290 of 2013 was filed by the informant in respect of ancestral property, which was decreed in favour of the informant, and as per the said decision, all brothers and sisters were given their respective shares. Presently, R.C.S. No. 88 of 2020 is filed by the informant against the applicant, mother, brothers and sisters seeking partition and separate possession.

5. In the statements recorded during the course of investigation, brothers of informant and applicant have stated that since the applicant was looking after their mother, he was given the property mentioned in the FIR. From the allegations made in the FIR and the material collected during the course of investigation, *prima facie*, it appears that the dispute of civil nature is given colour of criminal prosecution. Nothing is to be recovered from the applicant. In the facts of the present case, pre-trial custodial detention of the applicant is, therefore, not necessary. The application is, therefore, allowed, by confirming the interim order.

6. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane