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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1734 OF 2022

Nisar Ahamad Dulhot

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. S. D. Hiwrekar, Advocate for the applicant

Mrs. R. P. Gour, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 12th JANUARY, 2023

ORDER :

1. Applicant apprehends his arrest in Crime No. 179 of 2022 registered with Sillod City Police Station, Sillod, District – Aurangabad for offence punishable under sections 420, 465, 417, 468, 471 read with 34 of the Indian Penal Code.

2. FIR is lodged by Kakasaheb Pandit Lokhande alleging that he and co-accused Yuvraj Abhiman Tayade had purchased the agricultural land bearing Block No. 3 admeasuring 40 R from one Aminabee Ahmed Kha for consideration of Rs.1,45,000/- under the registered sale deed No. 6124/2015 dated 21.12.2015. It is further alleged that on 21.06.2021, when the informant downloaded online copy of 7/12 extract of the said agricultural land, at that time he found his name deleted from the record of 7/12 extract and the name of present applicant is recorded.

Thereafter, the informant approached the concerned Talathi and made inquiry about deletion his name from the record of 7/12 extract and addition of name of the present applicant. The concerned Talathi informed that the applicant has submitted registered sale deed of the said land, therefore, his name was recorded in the record of 7/12 extract. Thereafter, the applicant made enquiry in the Sub Registrar office, Sillod and found that the co-accused namely Yuvraj Abhiman Tayade, Kalim Mansurkha Pathan and present applicant, in furtherance of their common intention forged documents and used the same as genuine for the execution of registered sale deed of his land.

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

4. The FIR is lodged on 3rd October, 2022. The document, which was executed by impersonating the informant is seized. Accused No.1, who has sold the land of the informant was arrested and subsequently released on regular bail. The applicant, being purchaser, *prima facie* does not appear to have played any role in impersonating the informant.

5. The person, who impersonated the informant is identified

and he is arrayed as accused in the crime.

6. The applicant was granted interim protection and was directed to co-operate in investigation. He has accordingly attended the police station and co-operated in the investigation. Entire prosecution case is based on documents, which are already seized during the investigation. The investigation appears to be almost complete. In the facts of the present case, pre-trial custodial detention of the applicant is not warranted.

7. The application is, therefore, allowed by confirming the interim order. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the Investigating Officer. The applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE