

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

ANTICIPATORY BAIL APPLICATION NO.1801 OF 2022

DNYANESHWAR RAJDHAR PATIL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. S. D. Hiwrekar, Advocate for Applicant
Mr. A. V. Deshmukh, APP for Respondents – State

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 24th JANUARY, 2023

PER COURT :

1. Applicant apprehends arrest in Crime No.51/2022, registered with Dharangaon Police Station, Jalgaon, for offences punishable under Sections 199, 200, 420, 406, 468, 471, 474, 477 r/w 34 of the Indian Penal Code.

2. Written complaint is lodged by Shobhabai Suresh Sonawane, alleging commission of offence by ten accused persons including the present applicant being accused No.8. It is alleged that present applicant was Talathi of the village Varad Kh. at the relevant time, wherein the informant is residing. Husband of the informant expired on 31/07/2014 and after his death applicant allegedly gave heirship certificate to first wife of the deceased accused No.1 and also to the second wife i.e. present informant. Applicant has taken mutation entry on the basis of heirship

certificate issued in favour of first wife of the deceased i.e. accused No.1. It is, therefore, alleged that family members of the deceased accused Nos. 1 to 4, in connivance with the applicant Talathi, Circle Officer, have taken entry of false heirs and by preparing forged document mutation entry was taken.

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

4. As per the FIR offence is committed during the period from 04/08/2021 to 02/10/2021. Applicant is posted as Nayab Tahsildar at Bhusawal and all the relevant documents are with the Talathi of village Varad Kh., Taluka Dharangaon, District Jalgaon. According to applicant, he had issued certificate in favour of informant on her application, so as to enable her to avail benefit of *Sanjay Gandhi Niradhar Yojana* and other Government schemes, on 30/09/2014. Talathi of Varad Kh. has issued a certificate dated 12/01/2023 that except this there is no other document to show that heirship certificate is issued by the applicant in favour of informant.

5. Prosecution case is based on documents which are already seized by the investigating officer. It appears from record that investigation is almost complete, as the offence is registered in

the month of February, 2022. Nothing is to be recovered from applicant. Pre-trial custodial detention of applicant is not necessary in the facts of the present case.

6. In the result, application is allowed by confirming interim order dated 06/01/2023. Till filing of charge-sheet, applicant shall attend concerned police station as and when called by Investigating Officer and cooperate in the investigation. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)