

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 334 OF 2023

JUBER MUSHTAQUE AHMED
VS
STATE OF MAH. THR. PSO PS MUL DIST.CHANDRAPUR

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.A. Dhawas, Advocate for the applicant.
Mr S.M.Ghodeswar, APP for the non/applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/06/2023.

1. Heard.
2. Present application is filed by the applicant for grant of anticipatory bail in the event of his arrest in connection with Crime No.108/2023, registered with Police Station Mul, District Chandrapur for the offences punishable under Sections 419, 420, 465, 468, 469, 470, 471 read with Section 34 of the Indian Penal Code.
3. The applicant is apprehending arrest at the hands of Police on 12/03/2023. The informant has lodged report alleging that his father Purushottam Eknath Bhadke was owner of land bearing Bhumapan No. 454, area admeasuring 1.45 H.R. of Mouza Shiwapur, District Chandrapur. His father died on 04/05/2022 and his uncle Fulchand also died on

30/01/2022. After the death of his father, he approached to the office of Talathi for recording his name as legal heir of Purushottam Bhadke. At that time, it reveal to that the aforesaid property was already sold on 15/03/2021 to Kuldip Namdeorao Ambatkar. Upon enquiry he came to know that a sale-deed was executed by Fulchand Bhadke and a dummy person purporting or representing to be Purushottam Bhadke. As per the allegation the forged signature of his father was made. His father was educated person, whereas the sale deed 15/03/2021 shows thumb impression of his father. Moreover, there are other suspicious circumstances. On the basis of the said report, the police have registered the offence against the present applicant and other co-accused.

4. As per the contention of the present applicant, he has not at all concerned either with the informant or purchaser or the vendor, he has only signed the said sale-deed as a witness. No other role is attributed to him. His role is not specifically mentioned in the FIR. It is further contention that the wife of the Purushottam Bhadke and his sons are filed Regular Civil Suit No. 8/2023 challenging the sale-deed dated 15/03/2021 which is pending before the Court. It is further contended of the present applicant that one Sajid Mirza Beg, who works as a broker. Having

acquaintance with look farmers had come with a proposal of land bearing Survey No. 454 as mentioned above for sale. The present applicant was interested to purchase the said land but he could not purchased due to same reasons. However, his friend Kuldeep Ambatkar had purchased the same and he only stood as witness to the said sale-deed. Otherwise, he is not at all concerned with other facts of the allegations. It is further contended that custodial interrogation of the present applicant is not at all required is nothing to be recovered from him. Hence, he be protected by granting anticipatory bail.

5. The said application is strongly opposed by the State on the ground that by misrepresenting the person Purushottam Bhadke, the sale-deed was executed. The applicant has signed the said sale-deed. Thus, crime is committed in furtherance of common intention, custodial interrogation of the present applicant is required, and hence application deserves to be rejected.

6. Having heard the learned counsel Mr A.A. Dhawas for the applicant and learned APP for the State. It is apparent that the civil suit is pending before parties. Apparently the allegation is of civil nature, as far as his role of the present applicant is

concerned, he has only signed the said sale-deed as a witness.

7. Learned APP also fairly admitted that the role of the present applicant is only to the extent that of signing of the sale-deed as a witness. Considering the role of the present applicant his physical custody is not required for the investigation purpose. As far as the part of the interrogation is concerned, physical custody of the present applicant is not required.

8. In view of the above discussion, the present application deserves to be allowed by protecting the present applicant by granting anticipatory bail. Accordingly, I proceed to pass the following order.

- a) Criminal Application is **allowed**.
- b) The applicant - Juber Mushtaque Ahmed is released on anticipatory bail in the event of his arrest in connection with Crime No.108/2023, registered with Police Station Mul, District Chandrapur for the offences punishable under Sections 419, 420, 465, 468, 469, 470, 471 read with Section 34 of the Indian Penal Code, on executing P.R. Bond of Rs. 25,000/- with one solvent surety of like amount.

- c) The applicant shall attend the concerned police station as and when required for investigation purpose.
- d) The applicant shall submit his cell phone number and address with address proof.
- e) The applicant shall not induce, pressurize and threaten all witnesses who are connected with the alleged crime.

Criminal application is disposed of.

JUDGE