



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.458 OF 2023

[Tulshidas Namdev Halde ..V/s.. State of Maharashtra.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr R. M. Daga, Advocate for Applicant.
Ms D. Charlewar, APP for Non-Applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 11th DECEMBER, 2023.

. The present application is for grant of anticipatory bail in connection with Crime No.110 of 2023 registered on the basis of order passed by the Judicial Magistrate First Class, Chikhli, District Buldhana, under Sections 120-B, 294, 323, 419, 420, 467, 368, 471, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

2. The applicant is apprehending arrest at the hands of Police as crime is registered on the basis of report lodged by Raju @ Rajesh Prabhakar Gurav on an allegation that his ancestral land bearing Gat No.26 admeasuring 1H 59R is in his name after the death of his forefather. It is further alleged that the co-accused Uddhav Shamrao Pawar by representing himself as Rajesh Prabhakar Gurav sold out the said property to the present applicant and present applicant has assisted him in execution of the sale deed by using false seals of the Government. As per the allegation, the informant has never sold the said land to the present applicant. Now the land is in possession of the present applicant. Thus, he was cheated on the basis of forged document.

on the basis of these allegations, the crime is registered against the present applicant and the other co-accused.

3. Mr Daga, learned counsel for applicant submitted that as far as the allegations are concerned regarding the personation and cheating are against the co-accused. The present applicant has already filed a civil suit in the Court as well as the informant has also filed a civil suit against the present applicant. At the most, the allegations attracted against the present applicant are that knowingly that said Uddhav Shamrao Pawar is not Rajesh Prabhakar Gurav and thereafter, also the present applicant has purchased the said property. No other offence can be made out against the present applicant as far as the custodial interrogation is concerned which is not required and therefore, the applicant can be protected by granting anticipatory bail.

4. The learned APP for State strongly opposed the application on the ground that the false seals of the Government are used and obtained by the present applicant and therefore, his custodial interrogation is required and application deserves to be rejected.

5. Having heard the learned counsel for applicant and learned APP for State, perused the recitals of the FIR. From the recitals of the FIR, it reveals that the present applicant is a person who has purchased the said property. From the recitals of the FIR, nowhere it reveals that the present applicant was aware that the person who is executing the sale deed is not the owner of the property, but is misrepresenting himself as Rajesh Prabhakar

Gurav. In fact the present applicant has paid consideration amount and thereafter, purchased the property. As far as the custodial interrogation is concerned, the sale deed which is already registered and for that purpose the custody of the present applicant is not required. From the nature of the allegations, it reveals that the transaction between the parties is of civil nature.

6. In view of that the application deserves to be allowed. Accordingly, I proceed to pass the following order :

ORDER

- i) The criminal application is **allowed**.
- ii) The applicant – Tulshidas Namdev Halde be released on anticipatory bail, in the event of his arrest in connection with Crime No.110 of 2023 registered under Sections 120-B, 294, 323, 419, 420, 467, 368, 471, 504 and 506 read with Section 34 of the IPC, on his furnishing P.R. Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.
- iii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall co-operate in the investigation.
- iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

v) The applicant shall furnish his cell phone number with the address proof.

7. The criminal application is disposed of.

JUDGE