



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

CRIMINAL APPLICATION (ABA) NO. 529/2023

Smt. Kacharibai Parashuram Durve and another V/s State of Maharashtra.

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

Court's or Judge's Order

Mr. A.D.Hazare, Counsel for the applicants.
Mrs. M.R.Kavimandan, APP for the State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/12/2023.

1. By this application, the applicants are seeking pre-arrest bail in the event of their arrest, in connection with Crime No. 756/2023 registered Police Station Ramnagar, District Chandrapur for the offences punishable under Sections 419, 420, 467, 468 and Section 471 read with Section 34 of the Indian Penal Code, 1860.

2. Mr. A.D. Hazare, learned counsel for the applicants submitted that the informant as well as the present applicants are the Tribals, they entered into an agreement and the informant agreed to sell the land to the present applicants. Accordingly, she applied for seeking permission to sell the land to the Tahsildar. The Tahsildar has conducted the inquiry and submitted a report. The Sub-Divisional Officer has passed an order and permitted the informant to sell the land.

Accordingly, she has executed the sale-deed in favour of applicant No.1 Kacharibai Parshuram Dhurve. Subsequently, she filed this report alleging that the present applicants along with the other co-accused, prepared the forged Power of Attorney, and got the sale executed in their favour. He submitted that the Tahsildar had conducted the inquiry and recorded the statement, which sufficiently shows that the informant has agreed to sell out the said land with the present applicants, accordingly obtained the permission and sold the land. No offence is made out against the present applicants, their custodial interrogation is not required, and they be protected by granting anticipatory bail.

3. Learned APP strongly opposed the application on the ground that the applicants have prepared the forged documents and with the help of forged documents, the sale deed was executed. The custodial interrogation of the applicants is required and the bail application deserves to be rejected.

4. Having heard learned counsel for the applicant and learned APP for the State. Perused the instigation papers. From perusal of the investigation papers, it reveals that Tahsildar had conducted the inquiry and even recorded the statement of the

complainant which shows that she agreed to sell out the land to applicant No.1. Accordingly, she sought the permission of Sub-Divisional Officer and entered into the transaction. As far as the allegation regarding forged Power of Attorney is concerned, nothing is on record to show that the present applicants have prepared the said forged documents. However, it is a matter of investigation, at present custodial interrogation of the present applicants is not required.

Considering the same, interim relief granted in favour of the present applicants deserves to be confirmed. Accordingly, I proceed to pass the following order:

A] The Criminal application is allowed.

B] In the event of their arrest, the applicants (1) Smt. Kacharibai Parashuram Durve (2) Dilip s/o Dashrath Rajgure in connection with Crime No. 756/2023 registered Police Station Ramnagar, District Chandrapur for the offences punishable under Sections 419, 420, 467, 468 and Section 471 read with Section 34 of the Indian Penal Code, 1860, are hereby released on anticipatory bail on executing PR. bond of Rs. 25,000/- each with one solvent surety in the like amount.

- C] The applicants shall attend the concerned Police Station once in a week i.e. on Sunday between 10.00 a.m to 01.00 p.m. till filing of the charge-sheet.
- D] The applicants shall not directly or indirectly made any inducement, threat or promise to any person acquainted with the facts of the case.

Criminal application is disposed of accordingly.

[URMILA JOSHI-PHALKE, J]