



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

Criminal Application [ABA] No.552 of 2023

Mangilal Bhivasingh Chavhan and another

vs.

State of Maharashtra, through P.S.O. Pusad, Distt. Yavatmal

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. R. Waghmare, Advocate for the Applicants.

Mrs. M.A. Barabde, A.P.P. for the Non-Applicant.

CORAM : M.W. CHANDWANI, J.

DATE : 4th OCTOBER, 2023.

Apprehending arrest in connection with Crime No.456/2023, registered with Police Station Pusad (City), District Yavatmal, for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, the applicants have filed the present application for anticipatory bail.

02] Heard the learned Counsel for the applicants as well as the learned A.P.P. for the State.

03] I have perused the F.I.R and the case diary. Having gone through the case diary, it transpires that the complainant Sitaram Rathod lodged a complaint with the police station alleging that his son Arjunkumar Rathod in connivance with other accused executed a false gift-deed in favour of his grandson viz. Shubham Arjunkumar Rathod, by posing a dummy person in place of the complainant, at Sub-Registrar Office at Pusad, District Yavatmal vide Document No.Pusad/2915/2023 on 31st May, 2023. When the complainant came to know the said fact, he lodged the aforesaid complaint and on his complaint, the aforesaid offence came to be registered against the present applicants and other co-accused.

04] The learned Counsel appearing on behalf of the applicant submits that the applicants have no role to play in the crime. The main accused has already been arrested by the police and he has also been released on bail. It is contended that during investigation, it was revealed that the present applicants have signed the gift-deed as attesting witnesses and, therefore, their name came in the light in this crime. The alleged gift-deed has already been recovered and nothing is required to be seized from the applicants. Hence, he seeks to release the applicants on anticipatory bail.

05] The learned A.P.P. appearing on behalf of the State submits that various details are required to be obtained from the applicants. The applicants are also involved in the crime along with other co-accused. Hence, she objected to the bail application.

06] It appears that by order dated 10/08/2023, the main accused has been released on regular bail in the said offence. It also appears that the applicants are already protected granting *ad interim* anticipatory bail. They have attended the concerned police station and co-operated with the investigation, as directed by the Court. Copy of the gift-deed has already been collected by the Investigating Officer, which goes to show that most part of the investigation is already over. Nothing is required to be seized from the applicants. The role assigned to the present applicants is that they have signed the alleged gift-deed as attesting witnesses. Whether the applicants were having knowledge of posing a dummy person in place of the complainant by the accused while executing the alleged gift-deed, which can be gone into during the trial. There is no likelihood that the applicants will flee away from justice.

07] Considering all these aspects, a case is made out for exercising discretion in favour of the applicants. Hence, the application is allowed. The interim order granted by this Court on 11/08/2023 is hereby confirmed.

JUDGE

**sandesh*