



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

CRIMINAL APPLICATION (ABA) NO.607 OF 2023

(Riyaz Khan Yusuf Khan and another Vs. State of Maharashtra thr. PSO PS
Ramdaspath, Akola, Dist. Akola)

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

Court's or Judge's orders.

Ms. Gulafshan Ansari, Advocate h/f Mr. M. N. Ali, Advocate for Applicants.
Mrs. M. A. Barabde, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 5th DECEMBER, 2023.

Heard.

2. By this application, the applicants are seeking anticipatory bail in the event of arrest in connection with Crime No.779/2021 registered with Police Station Ramdaspath, Akola for the offences punishable under sections 420, 467 and 471 read with section 34 of the IPC.

3. The applicants are apprehending arrest at the hands of police as crime is registered by the Bank Manager alleging that the co-accused though sold his immovable property i.e. one duplex tenement on 06.08.2019 to third a party. However, he again sold the same property to the co-accused vide sale-deed dated 28.01.2020. The co-accused has raised loan for purchasing the said property and accordingly on the basis of sale-deed the Bank has disbursed the loan amount in the account of the present applicant. It is

further the grievance that the co-accused is selling the property to third party has resold the same as the present applicant obtained the loan on the basis of the said sale deed. It is submitted that the learned counsel Ms. Gulafshan Ansari holding for Mr. M. N. Ali that main accused is already released on anticipatory bail as far as the allegation against the present applicants is concerned only to the extent that they have purchased the tenement from the co-accused though it was earlier sold to other person. It is further grievance against the present applicants that they have obtained the loan on the basis of said document and not repaid the loan. She submitted that as far as this allegation is concerned, nothing is not on record to show that the present applicants were having knowledge that while other co-accused initially has sold the said tenement to any other person. As far as the allegation against the present applicants are concerned their custodial interrogation is not required and considering the fact that the main accused is already released on anticipatory bail, the application deserves to be allowed.

4. The learned APP strongly opposed the application on the ground that the applicants are not co-operating with the Investigating Agency, his custodial interrogation is not required.

5. Having heard to the fact and on perusal of the investigation papers and the recitals of the FIR, as far as the present applicants are concerned only allegation against the

present applicants are that they purchased the property from the co-accused which was already sold to the other person. Considering the allegation, the custodial interrogation of the present applicants is not required. As far as the interrogation is concerned some conditions can be imposed. In view of that application deserves to be allowed. Accordingly, I proceed to pass following order:

- [i] The application is allowed.
- [ii] The applicants are released on anticipatory bail in the event of their arrest in connection with Crime 779/2021 registered with Police Station Ramdaspath, Akola for the offences punishable under sections 420, 467, 471 read with section 34 of the IPC on executing P.R. bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.
- [iii] The applicants shall attend concerned police station as and when required for the investigation purpose and shall co-operate in the investigation.
- [iv] The applicants shall furnish their mobile numbers and address with the address proof.

[v] The applicants shall not tamper with the prosecution evidence or shall not induce, threaten or pressurize any witnesses, who are connected with the crime.

6. The application is disposed of.

JUDGE

NSN