



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.94 OF 2024

Dilip S/o Pandurang Toshniwal ... Applicants

VERSUS

The Superintendent of Police, Latur
and another ... Respondents

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Mr. Dhananjay S. Patil, Advocate for the Applicant
Mr. D.B. Bhange, APP for Respondents – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 29th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No. 829 of 2023 registered with MIDC Police Station, Latur for the offences punishable under sections 420, 467, 468, 471, 506 read with section 34 of the Indian Penal Code.

2. FIR is lodged by Vishnu Govind Shinde alleging that his father Govind Ramkishan Shinde had purchased plot no.89 in survey no.78 situated at Pakharsangvi by sale deed dated 12.06.2003 from Anantrao Vishwanthrao Angarkar. Faruq Shaikh got executed sale deed of this plot in his name by presenting a dummy person as Anantrao Vishwanathrao Angarkar before the Sub Registrar. Dilip Pandurang Toshniwal and Madhukar Prabhurao Ghodke have signed the said sale deed as witnesses. All the accused persons have committed

offence of cheating, forgery of valuable security and used the forged document as genuine and committed the offence.

3. Heard learned advocate for applicant and learned APP for respondents – State. Perused the investigation papers.

4. Accused no.1 Faruq came to be arrested on 22.11.2023. He was remanded to PCR and subsequently he is released on bail.

5. It is the case of applicant that he is well acquainted with Faruq and on his say he signed the said sale deed as a witness.

6. Prosecution claims that applicant knows the dummy person who was presented as Anantrao Vishwanthrao Angarkar, and therefore, custodial interrogation of applicant is necessary.

7. Applicant claims that he is innocent person and he has not committed any offence. Merely because he has signed the sale deed at the instance of Faruq, that by itself do not mean that he is involved in commission of offence.

8. *Prima facie*, contention of applicant is acceptable that at the instance of accused no.1 Faruq, he has signed forged sale deed as a witness, which is executed by a dummy person

in place of Anantrao Vishwanthrao Angarkar. *Prima facie*, accused no.1 Faruq appears to be the beneficiary of the sale deed and he was aware as to who the dummy person was, however, name of that dummy person would not be elicited from accused no.1 during investigation.

9. Applicant was granted interim protection and he has has attended the police station and co-operated in the investigation. Nothing is to be recovered from applicant. Applicant claims to be an agriculturists and has no criminal antecedents and he is reputed person in the society, if arrested his image will be tarnished in the society.

10. In that view of the matter, application is allowed by confirming interim protection granted to applicant by order dated 18.01.2024.

11. Till filing of the charge-sheet, applicant shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE