



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

7 ANTICIPATORY BAIL APPLICATION NO. 399 OF 2024

1. Ramesh s/o Bhaurao Gawande
2. Bapusaheb s/o Kadu Bhawar .. Applicants

VERSUS

- . The State of Maharashtra
and another .. Respondents

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Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondent/State: Mr. B. B. Bhise

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WITH

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ANTICIPATORY BAIL APPLICATION NO. 360 OF 2024

- . Akramkha Arshadkha Pathan .. Applicant

VERSUS

- . The State of Maharashtra
and another .. Respondents

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Advocate for Applicant :
Mr. Shaikh Mujtaba Gulam Mustafa
APP for Respondent/State: Mr. B. B. Bhise

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CORAM : ARUN R. PEDNEKER, J.

DATE : 11.11.2024

P.C. :

1] Heard learned counsel for the applicants and the learned APP for the respondent-State.

2] The applicants are apprehending arrest in connection with Crime No.40 of 2024, registered at Waluj Police Station, District Aurangabad, for the offences punishable under Sections 420, 463, 464, 465, 468, 471 of the IPC.

3] This matter was taken up by this court and by orders dated 15.03.2024 and 05.03.2024 in respective matters granted interim protection to the applicants that in the event the applicants are arrested that they be released on bail bond for offence under Sections 420, 463, 464, 465, 468, 471 of the IPC.

4] It is the case of the applicants that the matter involves purely the private dispute between the two individuals and that they have purchased the property in the year 1997, whereas the complainant claims to have purchased the property in the year 1995 from the original owner. The case of the complainant is that the document was fabricated i.e. bond was fabricated and that the complainant had given no objection to the applicants on bond only for plot no.63. It is also stated that the said bond was given as the complainant had no concern over plot no.63. However, there is no indication as to how and why

he should have given a bond as far as plot no.63 is concerned. Be that as it may, it is the case of the complainant that the bond is fabricated and plot no.41 is inserted in the bond by fabricating the document and placing it before the Grampanchayat on the basis of which Grampanchayat passed the resolution and changed the name on plot no.41 in the name of present applicants no.2 and 3 and thereafter has further transferred the plot no.41 to the applicant no.1. The learned counsel for the applicants submits that they have purchased the property for consideration and that the original document which is claimed to be a fabricated is in possession of the Grampanchayat.

5] Per contra, the learned APP appearing for the State submits that in this matter investigation is necessary so as to trace out the people involved in the fabrication of the document, so also, to trace genuineness of the document. However, since the original document is with the Grampanchayat, the same is available for the investigation, so also, why the bond was granted plot no.63 by the complainant is not mentioned. In view of the same the ad-interim protection granted is confirmed. Both these applications are allowed.

6] In view of the above, the applications are allowed in the following terms :

i] In the event the applicants are arrested in connection with Crime No.40 of 2024, registered at Waluj Police Station, District Aurangabad, for the offences punishable under Sections 420, 463, 464, 465, 468, 471 of the IPC, they shall be released on bail on furnishing PR bond of Rs.15,000/- each with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicants shall attend the police station once a fortnight for a period for four months from today.

iii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

7] In the event, the applicants violates any of the conditions specified in this order, it shall be liable to be cancelled.

8] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9] The applications stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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