



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

913 ANTICIPATORY BAIL APPLICATION NO. 441 OF 2024

1. Vilas Vijaysing Raghuwanshi.
2. Rajesh Kashinath Raghuwanshi.
3. Santosh Narayan Chaudhary. **... Applicants**

Versus

The State of Maharashtra and another. **... Respondents**

...
Advocate for Applicant : Mr. Ajinkya Kale, i/b Talekar And Associates.
APP for Respondent/State : Mr. S. P. Sonpawale.

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 26th July, 2024.

P.C.:

. The applicants apprehend arrest in Crime No.141 of 2024, registered with Nandurbar City Police Station, District Nandurbar, for the offences punishable under Sections 420, 406, 408, 409, 465, 466, 468 and 470 read with 34 of the Indian Penal Code.

2 It is the prosecution's case that the informant had purchased one plot on 20th February, 2003 by way of registered sale-deed at Nandurbar. The informant is Government servant and he stays at Buldhana. For medical reason, the informant decided to sell

the said plot. When he took out ownership documents of the said plot, his name was not there. In inquiry, the informant came to know that the applicants have sold the said plot to other persons. It is alleged that the applicants in collusion with Talathi and other persons have sold the said plot of informant by preparing false and forged documents.

3 It is the contentions of the learned counsel for applicants that the applicants have been falsely implicated in this case. Though the plot was purchased in the year 2003, the complaint is filed 2023 i.e. after 20 years. The learned counsel further submitted that the consideration of plot was fixed for Rs.75,000/-, but the informant had given Rs.70,000/- and it was decided that he will give Rs.5,000/- later on. Thereafter, the informant approached to the applicants and took the purchase amount of Rs.75,000/- from the applicants and executed relinquish-deed in favour of the applicants. As the allegations against the applicants are in respect of transaction of plot, their custodial interrogation is not required and requested to allow the application.

4 It is the contention of the learned APP that the informant has purchased the plot from the applicants by way of sale-deed. The said sale-deed is not cancelled. The learned APP further submitted that the alleged relinquish-deed is not registered. The applicants have

no right to sell the plot of informant, in spite of that they have sold it. They have prepared false documents in respect of the plot of informant. Their custodial interrogation is required and requested to reject the application.

5 I have heard both the learned counsel. Perused the FIR and the police papers on record. The allegations against the applicants are that they have sold the plot of the informant. Whereas, it is the contention of the applicants that the informant had executed relinquish-deed in favour of the applicants and the applicants have returned the amount of Rs.75,000/- to the informant.

6 The learned counsel for applicants submitted that initially application was filed by the informant to the police to register crime against the applicants. On that application, the investigation was done and in the investigation the concerned officer has prepared the report and in the said report, the concerned officer has observed that the nature of dispute is civil in nature. Hence, the complaint of the informant was not registered by the police. Thereafter, the informant filed complaint before the learned Judicial Magistrate First Class and as per the directions of the learned Magistrate, the offence is registered against the applicants.

7 In my view, it appears from the relinquish-deed allegedly executed by the informant in favour of applicants that he has relinquished his right in suit plot in favour of applicants. Considering the allegations against the applicants, oral and documentary evidence is required to substantiate it and custodial interrogation of the applicants is not required and I pass the following order:-

ORDER

- I. The application is allowed.
- II. In the event of arrest of the applicants in connection with Crime No.141 of 2024, registered with Nandurbar City Police Station, District Nandurbar, for the offences punishable under Sections 420, 406, 408, 409, 465, 466, 468 and 470 read with 34 of the Indian Penal Code, they be released on executing personal bond of Rs.20,000/- each with one surety in the like amount by each of them on the following conditions.
 - a) The applicants shall attend the concerned police station as and when required by the Investigating Officer and shall co-operate in the investigation.

[SHIVKUMAR DIGE, J.]