



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

965 ANTICIPATORY BAIL APPLICATION NO. 649 OF 2024

1. Mohasin Zuber Khan
2. Nisar Kabir Khan
3. Zuber Gulmohammed Khan
4. Irshad Kabir Khan
5. Javed Fayyaz Khan

..APPLICANTS

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

Advocate for Applicants : Mr. Swapnil Patunkar for J.P. Legal Associates
APP for Respondent/State: Mr.P.K. Lakhotiya

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 31st July, 2024.

P.C.:

1. The applicants apprehend arrest in connection with FIR No.97 of 2024 registered with Chikalthana Police Station, Aurangabad Gramin, for the offences punishable under sections 364-A, 420, 120-B, 323, 504 and 506 of the Indian Penal Code (For short, "IPC").
2. It is prosecution's case that on 13th March, 2024, the informant Bhikaji lodged the complaint alleging that he was called by accused Fayyaj Khan near Rajasthani Hotel situated at Dhule-Solapur road. When he went there, at that time, the applicants came there and gave threat to the informant for executing the sale deed of Gut No.309. He was also beaten by all the applicants and under the threat, the applicants got executed sale deed of Gut No.309 without payment of

consideration. It is alleged that the applicants conspired with each other and committed the offence punishable under section 364-A of the I.P.C.

3. It is contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. The learned counsel further submitted that the matter is settled out of the Court between the parties and informant has received the entire consideration amount of his land. The police has recorded his supplementary statement and in the supplementary statement, the informant has stated before the police that no action should be taken against any one in respect of the present crime as he has received all his transaction amount and requested to allow the application.

4. It is contention of the learned APP that the applicants along with co-accused kidnapped the informant obtained his forceful signature on the sale deed. The applicants have criminal antecedents. The learned APP further submitted that the police have recorded the supplementary statement of the informant and in the supplementary statement, he has stated that he has received entire consideration amount of his land and requested to pass appropriate order.

5. I have heard both the learned counsel. Perused the supplementary statement of the informant dated 7th June, 2024.

6. In the supplementary statement, the informant has stated that he has received the consideration amount of his land and he has no

complaint against any one. Considering these facts, 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 FIR No.97 of 2024 registered with Chikalthana Police Station, Aurangabad Gramin, for the offences punishable under sections 364-A, 420, 120-B, 323, 504 and 506 of the Indian Penal Code, the applicants be released on executing personal bond in the sum of Rs.15,000/- each with one surety of 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.

[SHIVKUMAR DIGE, J.]