



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

960 ANTICIPATORY BAIL APPLICATION NO. 723 OF 2024

Jitesh Subhash Ghagare

..APPLICANT

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

...
Advocate for Applicant : Mr.S.B. Rajebhosale
APP for Respondent/State: Mr.C.V. Bhadane
Advocate for assist to P.P. : Mr. P.K. Nikam
...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 25th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.0258 of 2024 registered with Vaijapur Police Station, Dist. Aurangabad, for the offences punishable under sections 406, 420, 464, 465, 467, 468, 471, 506 read with 34 of the Indian Penal Code (For short, "IPC").
2. It is prosecution's case that informant lodged the report with the police stating that when she was admitted in the hospital her land situated at Karanjgaon is sold behind her back by one lady impersonating informant as seller. It is alleged that accused nos.1 and 2 have purchased the said property in collusion with impersonated lady. It is alleged that thereafter in collusion with accused nos.1 and 2 said property was purchased by accused no.3 Jitesh Ghagare

(applicant) and accused no.4 Karbhari Nighote.

3. It is the contention of the learned counsel for the applicant that the applicant is bonafide purchaser of the said land. The applicant was not aware that it is disputed land and by making false and fabricated documents, the said land is sold to him. The learned counsel further submitted that before purchasing the land from accused no.1, the applicant had made paper publication and by following all precautions, he purchased the land. The applicant had no intention to cheat the informant. The learned counsel further submitted that the civil suits are pending between the parties and the applicant undertakes if the bail is granted to him, he will not create any third party interest over the disputed land and will not mutate his name in the 7/12 extract till the decision of the civil suits or he will not transfer the said land to other person till the decision of the civil suits and requested to allow the application.

4. It is contention of the learned APP along with the learned counsel for assist to P.P. that the applicant was part of the group, who cheated the informant and made false and fabricated documents of the informant's land. The learned APP further submitted that only to deprive the informant to get her land accused no.1 transferred the said land to the applicant. The applicant was aware that the said land belongs to informant but inspite of that he purchased the said land for meager amount. The learned APP further submitted that though in the

sale deed the sale proceed is mentioned but no sale proceed is given and the cheques which are referred were not encashed from the account of the applicant. It shows that there was collusion between the applicant and accused nos.1, 2 and 4. Considering these facts, the custodial interrogation of the applicant is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. It appears from the record that the applicant has purchased the property from accused no.1. It appears that after paper publication, he has purchased the property. No papers are produced on record to show that the applicant was in collusion with accused nos.1, 2 and 4. Considering these facts, custodial interrogation of the applicant is not required. Moreover, the learned counsel for the applicant, on instructions has undertaken that the applicant will not create any third party interest in the property purchased by him nor he will mutate his name in the disputed property till final decision of the civil suit filed by the plaintiff. Considering these aspects, I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR No.0258 of 2024 registered with Vaijapur Police Station, Dist. Aurangabad, for the offences punishable under sections 406, 420,

464, 465, 467, 468, 471, 506 read with 34 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.25,000/- with one surety of the like amount, on the following conditions :-

- (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.
- (b) the applicant shall file written undertaking before the Investigating Officer that he shall not create any third party interest in the property purchased by him from the accused no.1 till the decision of the suit filed by the informant.

[SHIVKUMAR DIGE, J.]

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