



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

981 ANTICIPATORY BAIL APPLICATION NO. 1232 OF 2024

1. Balaji s/o Dhondiram Patil
2. Muktaram s/o Vishwanath Chame .. Applicants

VERSUS

- . The State of Maharashtra and another .. Respondents

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Advocate for Applicants : Mr. Sachin Subhash Panale
APP for Respondent/State: Ms. V. S. Choudhari

...

WITH
CRIMINAL APPLICATION NO. 3533 OF 2024
IN ABA/1232/2024

BHAGYASHRI W/O VITTHAL HASEGAONKAR

VERSUS

BALAJI DHONDIRAM PATIL AND OTHERS

...

Advocate for Applicant : Mr. Kulkarni Suvidh S.
APP for Respondent/State: Ms. V. S. Choudhari

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 21st NOVEMBER, 2024

PER COURT:

- 1] Criminal Application No.3533 of 2024 for assist to Public Prosecutor is allowed.
- 2] Heard learned counsel for the applicants and the learned APP for the respondent-State.

3] The applicants are apprehending arrest in connection with Crime No.262 of 2024, registered at Shivaji Nagar Police Station, District Latur, for the offences punishable under Sections 82 & 83 of Registration Act, 1908 and under Sections 420, 465, 467, 458, 471 of IPC.

4] This court by order dated 23.07.2024 has granted interim protection to the applicants. The learned counsel for the applicants submits he has purchased the property by sale deed dated 18.06.2019. The property is mentioned as having NA permission. The same is purchased from one Mr. Amit Bhosale and Mr. Amit Bhosale has again purchased the same property on 01.06.2016 from the earlier vendor Mr. Bhanudas Gawali. Even in the sale deed of 01.06.2016, the same NA permission is mentioned. The learned counsel submits that the applicants are bonafide purchasers of the property and that sale deed also stands rectified and the observation regarding NA permission stands deleted by virtue of rectification. The learned counsel submits that after protection is granted to the applicants they have cooperated with the investigation authority and they have remained present and also surrendered their sale deed before the Investigating Officer. He submits that no such custodial interrogation is necessary and that the civil suit on the aspect of encroachment of the property is pending.

5] In view of the above submissions, prima facie, considering the submissions, it is apparent that the applicants are subsequent purchasers of the property and that they have cooperated with the investigation.

6] In view of the above, interim protection granted to the applicants by this court order dated 23.07.2024 stands confirmed.

7] In view of the above, the application is allowed in the following terms :

i] The applicants shall attend the police station as and when required by the Investigating Officer.

ii] 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.

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

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

9] 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.

10] The application stands disposed of.

[ARUN R. PEDNEKER, J.]