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945-ABA-1393-2023

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1393 OF 2023

Anita W/o Sanjay Jadhav

....Applicant

VERSUS

The Superintendent Of Police And Another

.....Respondents

.....

Mr. P.P. More, Advocate for Applicant.

Mr. S.D. Ghayal, APP for Respondents.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th JANUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No. 501/2023, registered with MIDC Latur, Police Station, Latur, for offences punishable under Sections 420, 467, 468, 471, 506 r/w. 34 of the Indian Penal Code.

2. FIR is lodged by Rohit Ghuge alleging that his father Dattatraya Ghuge was serving at Nanded as Auditor. In the year 2004, his father had purchased plot Nos. 4, 5 and 6 out of Gut No. 101, situated at village Pakharsangvi from Shrikant Hiremath by registered sale deed dated 21.07.2004. His father expired in the year 2008. After death of his father his family shifted to

Bhagyawant Punde

native place at Andur, Tuljapur. In the month of June, his father's vendor called him and asked him whether they have started construction on the plot. At that time, he told him that their plots are open and they have not started construction on the said plots. Vendor then informed him that somebody has encroached and started construction on said plots. Informant went to plots and saw that a wall compound is erected around plot No. 5. He also saw accused Mahesh Tele in said plot along with some other persons. On inquiry, he was told that they have purchased the plot from Baburao Thorat through mediator Sagar Bade. He came to know that Baburao Thorat had prepared forged sale deed dated 05.05.2004. He therefore lodged report alleging that Baburao Thorat, Anita Jadhav, Mahesh Tele and Sagar Bade have cheated him.

3. Heard learned advocate for applicant and learned APP for respondents. Perused the investigation papers.

4. It appears from the investigation papers that applicant Anita had purchased Plot No. 5 from Baburao Thorat and in fact she appears to be a victim of fraud played by other accused persons. Her involvement in the alleged offence is not made out from the investigation papers. She has even disclosed

to investigation officer that original sale deed and village panchayat documents were taken by accused Mahesh Tele from her on the pretext of obtaining photocopies of the same. Considering these aspects, her custodial detention is not necessary in the facts of the present case.

5. Application is therefore allowed by confirming the interim protection order dated 24.08.2023.

6. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by investigation officer and shall co-operate in the investigation. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]