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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1491 OF 2023

Vijay Baburao Pawar

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....
Mr. Suvidh S. Kulkarni, Advocate for the applicant
Mr. S. B. Jadhav, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 8th JANUARY, 2024

ORDER :

1. Leave to add Superintendent of Police, Jalna as party respondent. Amendment to be carried out forthwith.
2. Applicant apprehends arrest in Crime No.119 of 2023 registered with Taluka Janla Police Station, Jalna for offence punishable under section 420, 466, 468, 471 read with 34 of the Indian Penal Code.
3. FIR in question is lodged alleging that informant purchased plot No. 20 from Survey No. 469 from Mohammad Abdul Naeem

Mohammad Abdul Aziz, partner of Gajanan Plots and Housing Sales Corporation, vide registered sale deed No. 870/1993. When informant applied for PR card in the year 2016, it was found that up to the year 2015, name of Gajanan Plots and Housing Corporation was recorded as owner of the said plot, however, by Entry dated 25th April, 2019, name of Prashant Kulkarni is mutated in respect of the said plot. Thereafter, it appears that name of Prashant Kulkarni is removed and name of Siddiqui Jarina Begum Abdul Neem is included, on the basis of a partnership deed. Informant, therefore, alleged that said entry is taken behind her back and with the use of false documents Mohammad Abdul Neem has sold property to different persons from Survey No. 469. On the basis of information, offence in question is registered. Anticipatory Bail Application filed by applicant is rejected by Sessions Court. Hence, present application.

4. Heard learned advocate for applicant and learned APP for the State. Perused the investigation papers.

5. The role attributed to present applicant, in present crime, is that he has acted as an agent for selling the plot in question and he is also a signatory to sale deed, as witness. Name of applicant is not mentioned in the FIR and he is arrayed as

accused subsequently, during the course of investigation. Learned advocate for applicant has rightly relied on order passed by this Court in Anticipatory Bail Applications No. 422 of 2023 and 423 of 2023, by which Mohammad Abdul Nadeem and Swapnil Suresh Joshi, against whom similar allegations are levelled like that of applicant, are granted anticipatory bail. Thus, on the ground of parity also, applicant deserves protection. Investigation in present crime pertains to documents, which are already seized by investigating agency. Considering the allegations made against applicant, his custodial interrogation is not necessary. Nothing is to be recovered from applicant. In that view of the matter, application deserves to be allowed. Hence, following order -

ORDER

- A. Anticipatory Bail Application is allowed.
- B. In the event of arrest of applicant Vijay Baburao Pawar, in Crime No.119 of 2023 registered with Taluka Janla Police Station, Jalna, he be released on executing PB and SB of Rs.15,000/- with one surety in the like amount.
- C. Till filing of charge sheet, applicant shall attend the

concerned police station as and when called by the Investigating Officer, and shall co-operate in the investigation and shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

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