



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

947 ANTICIPATORY BAIL APPLICATION NO. 1709 OF 2024

AMOL RAMCHANDRA KUMBHAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. S. J. Salunke, Advocate for the applicants
Mrs. M. N. Ghanekar, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 5th DECEMBER, 2024

PER COURT :-

1. Applicants apprehend arrest in connection with Crime No. 212/2024 registered with Shivaji Nagar Police Station, Dist. Beed for the offences punishable under Sections 406, 420, 468, 471, 34 of the Indian Penal Code.
2. The allegation in the first information report is that the first informant is co-owner of gut no. 182 situated at village Borkhed, Taluka and District Beed. Accused nos.1 and 2 are co-sharers. It is his further case that these co-accused have executed a sale deed in favour of the M/s. Torrent Solar Power Private Limited on 09/01/2024. Though the informant has no grievance about the said sale deed as such, however, he claims that one consent deed used for the purpose of the said transaction is fabricated document. It is his contention that he never

executed any consent deed in favour of the applicants.

3. Learned counsel for the petitioner by relying upon 7/12 extract prior to the transaction as well as after transaction submits that the informant's property has not been sold. Thus, it is his contention that no loss is caused to the informant. It is also argued that the subject property is purchased by the Company by paying consideration by bank transaction.

4. Learned APP opposed the application on the ground that this is a case wherein applicant no.1 is the party to the consent deed which is said to be a fabricated document. She also made grievance that in spite of interim relief granted by this Court, applicant no.1 has not cooperated in the investigation. A specific statement is made that the applicant no.1 is avoiding to produce the original document i.e. consent deed which was allegedly forged. Learned counsel for the applicants, on instructions, makes statement that applicant no.1 would be remain present before the Investigating Officer tomorrow i.e. on 06/12/2024 and would hand over the original consent deed to the Investigating Agency.

5. Even from the first information report it cannot be said that the property belonging to the informant is sold to the company

represented by applicant no.1. 7/12 extract of the property clearly indicates that the property belonging to the informant is intact. The grievance of the Investigating Agency about recovery of the document in question can be taken care with the statement made by the applicant no.1 of producing the said document to the Investigating Officer tomorrow. The said statement is accepted as undertaking given to this Court.

6. In view of the above, nothing survives for custodial interrogation. Hence, application stands allowed in terms of interim order dated 9th October, 2024.

(R. M. JOSHI, J.)

ssp