



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1716 OF 2023

Dipak Bhagwat Deore

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....
Mr. P.C. Mayure, Advocate for applicant.

Mr. S.B. Jadhav, APP for respondent-State.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 26th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 85 of 2019, registered with Dhule City Police Station, Taluka & Dist. Dhule, for offences punishable under sections 420, 465, 467, 468, 471 and 120(B) of the Indian Penal Code.

2. FIR is lodged by Manish Rajendraprasad Tiwari alleging that, his grandfather, Kashiprasad Tiwari was owner and possessor of open plot City Survey No. 69/5, Plot No. 27, admeasuring 273 square meter. His father expired on 12.11.2007. His grandmother expired on 29.11.2012 and grandfather expired on 25.12.2016. Since, informant want to obtain heirship certificate, he went to Talathi for 7/12 extract, on

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28.01.2019. He received 7/12 extract in the name of his grandmother. Then he went to City Survey Office for extract of said plot, then he came to know that plot was sold twice. He obtained certified copies of sale deeds. He realized that in spite of death of his grandfather on 25.12.2016, somebody impersonated him and signed the sale deed as his grandfather and sold the plot for consideration of Rs. 6,50,000/-. Even his false address was shown on record. Santosh More and Nasir Husen were witnesses to the said sale deed and have identified his grandfather.

3. Thereafter, by following same modus operandi, said plot was again sold on 12.11.2018 to Mahadu Borse for consideration of Rs. 6,45,000/-. Bhatu Patil and Vikag Pangu Vale were witnesses to the second sale deed who have identified vendor. Informant therefore claims that all the accused persons in connivance with Sub Registrar have effected bogus transactions and cheated him. They have fabricated and used bogus documents for unlawful gain to them and caused unlawful loss to informant.

4. Heard learned advocate for applicant and learned APP for respondent-State. Perused the charge sheet.

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5. When said plot was sold at second time, on 12.11.2018, applicant has purchased the plot. There appears substance in the contention of applicant that even applicant is a victim of fraud and impersonation.

6. Accused No. 1 who has allegedly impersonated the deceased while selling plot twice was arrested and he is released on regular bail. Applicant was granted interim protection and he has co-operated in the investigation. Charge sheet is already filed in the present matter. In the facts of the present case and as nothing is to be recovered from applicant, pre-trial custodial detention of applicant is not necessary.

7. In the result, application is allowed by confirming interim protection order dated 13.10.2023.

[NITIN B. SURYAWANSHI, J.]