



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1740 OF 2023

MADHUKAR VAIJANATH KSHIRSAGAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Manoj D. Shinde, Advocate for Applicant
Mr. N.B. Patil, APP for Respondents – State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 19th JANUARY, 2024

PER COURT :

1. Applicant apprehends arrest in Crime No.618/2023, registered with CIDCO Police Station, Aurangabad, for offence punishable under Sections 406, 415, 420, 423, 468, 471 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Bibhishan Pawar, Branch Manager of Shri Chhatrapati Rajarshi Shahu Urban Co-operative Bank Ltd., Beed, alleging that applicant is working as Senior Clerk at Collector of Stamps and Joint District Registrar, Aurangabad. Applicant registered a sale deed presented before him by accused No.1 Vinod Madhukar Bombale. The property in sale deed was already mortgaged by accused Vinod with informant's bank. Vinod in collusion with applicant prepared forged N.O.C. and got the sale deed registered of said mortgaged property.

3. Heard learned advocate for applicant and learned

Additional Public Prosecutor for State. Perused the investigation papers.

4. It appears from record that applicant in the capacity of as a Sub-Registrar executed sale deed bearing No.6782/2021 on 16/09/2021 and at that time P.R. Card of said property did not show any charge on the said property. On 17/11/2021, entry of charge of informant's bank was taken in P.R. Card. Applicant, therefore, could not have knowledge that the property of which sale deed is being executed is already mortgaged with bank. *Prima facie*, applicant's involvement in present crime is not made out. Applicant is a Government Servant and hence, is not likely to flee from justice. He, therefore, deserves protection.

5. In the result, application is allowed by confirming interim protection granted by order dated 17/10/2023.

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

(NITIN B. SURYAWANSHI, J.)