



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 CRIMINAL APPEAL NO. 212 OF 2024

Mahesh Janardhan Dhage

VERSUS

The State of Maharashtra and others

...

Advocate for Appellant : Mr. Rohit Padaswan h/f Mr. Nilesh S. Ghanekar

APP for Respondent Nos. 1 and 2: Mrs. D. S. Jape

Advocate for Respondent No.3 : Mr. Chaitnya C. Deshpande

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AND

CRIMINAL APPEAL NO. 539 OF 2024

1. Sampat S/o Ambu Jagtap

2. Tukaram Vaman Dhage

3. Pradip Bajirao Udar

4. Raju Tukaram Jagtap

5. Gorakh Popat Bhawal

VERSUS

The State of Maharashtra and others

...

Advocate for Appellant : Mr. Rohit Padaswan h/f Mr. Dhanraj Ingole

APP for Respondent Nos. 1 and 2: Mrs. D. S. Jape

Advocate for Respondent No.3 : Mr. Chaitnya C. Deshpande

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CORAM : SHIVKUMAR DIGE, J.

DATED : 21st AUGUST, 2024.

PER COURT :-

1. The learned counsel for respondent No.2 tendered Vaklatnama in both the mattes, which are taken on record.

2. Since both these appeals arise out of the same F.I.R. they are

being disposed of by this common order.

3. These appeals are preferred against the order dated 25.01.2024 passed by the Additional Sessions Judge, Shrigonda in Criminal Bail Application No.32 of 2024 filed in pursuance of crime No. 09 of 2024 registered with Belwandi police station, district Ahmednagar for the offences punishable under sections 420, 419, 465, 467, 471 r.w. 34 of I.P.C. and Sections 3(1)(r), 3(1)(s), 3(1)(g) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. It is the prosecution's case that the appellants have prepared false will deed of the informant's brother, forged his signature and transferred his land in the name of appellant Gorakh Bhawal.

5. It is the contention of the learned counsel for the appellants that during pendency of these appeals the matter is settled between the parties. The land of the informant has been returned to him and a petition for quashing of the F.I.R. is filed before the Division Bench of this court. Hence, requested to allow the appeals.

6. It is the contention of the learned APP that the appellants had prepared false will deed of the brother of the informant, forged his

signature and the said land of the deceased brother of the informant was transferred in the name of the appellant Gorakh Popat Bhawal. Considering the allegations against the appellants, their custodial interrogation is required and requested to dismiss the appeals.

7. It is the contention of learned counsel for the informant that the matter is settled between the parties and the informant has no objection to allow the appeals.

8. I have heard all the learned counsel. Perused the F.I.R., the police papers produced on record and the impugned order passed by the Special Court. The allegations against the appellants are that they prepared false will deed of deceased brother of the informant and forged his signature and transferred his land in the name of the appellant Gorakh Bhawal. The matter is settled between the appellants and the informant. The land of the deceased brother of the informant returned to the informant. The criminal writ petition for quashing of the crime is also filed. Considering these facts, the custodial interrogation of the appellants are not required and I pass the following order:-

ORDER

(i) The appeals are allowed.

(II) The order dated 25.01.2024 passed by the Additional Sessions Judge, Shrigonda in Criminal Bail Application No.32 of 2024 is quashed and set aside.

(III) The interim anticipatory bail granted to the appellants vide orders dated 04.03.2024 and 22.05.2024, respectively, stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

rlj/