



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

930 BAIL APPLICATION NO. 1655 OF 2024

MANGESH SITARAM DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rajebhosale Sandeep B.
APP for Respondent- State : Mr.S.B. Pulkundwar

...
CORAM : S. G. MEHARE, J.

DATE : 3rd October, 2024.

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.0258 of 2024 registered with Vaijapur Police Station, Tq.Vaijapur, Dist. Aurangabad (Chh. Sambhajinagar), for the offences punishable under sections 406, 420, 464, 465, 467, 468, 471 read with 34 of the Indian Penal Code.
3. The applicant is arraigned as an accused on the allegations that the applicant was witness to the fraudulent document of sale. The prosecution has alleged that when the land of the true owner was sold, she was hospitalized. The seller impersonated that she was the true owner. Necessary documents were sale transaction was completed. When the fraud was revealed, an FIR was registered. Since the applicant was witness to that document, he has been arrested. He has undergone the police custody for five days and since then he is behind bars.

4. The learned counsel for the applicant submits that nothing incriminating material has been recovered at the instance of the applicant that he has benefited out of the illegal transaction. He was just the witness to the document. Except this, there are no allegations against him. The investigation has been completed against him and the charge-sheet is to be filed. There are no antecedents to his discredit. Hence, the applicant deserve bail.

5. The learned APP Mr.Pulkundwar has vehemently argued that the properties worth Rs.2,00,00,000/- was sold just for Rs.35,00,000/-. Out of which, Rs.25,00,000/- were paid in cash and remaining was paid through the cheque. However, the said cheque is not encashed. It is a big fraud. There may be another crime at the hands of the applicant. Hence, the applicant may not be granted bail.

6. The Court asked the learned APP Mr.Pulkundwar, what was the investigation done against the applicant about benefit he received from the so-called consideration. However, there was no investigation as such. It also argued that the applicant was involved in creating a false document and identification of documents but nothing was discovered. He was just a witness to the document. The allegedly forged documents have been seized. Normally, before registering the documents, the Sub-Registrar verify the execution and takes his photographs on document and only thereafter the documents are executed. Since there is no material against the applicant as regards

the benefits received from such a fraudulent document and there are no antecedents to his discredit, it is inappropriate to keep him behind the bars. Hence, the order:

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Mangesh Sitaram Deshmukh be released on bail in Crime No.0258 of 2024 registered with Vaijapur Police Station, Tq.Vaijapur, Dist. Aurangabad (Chh. Sambhajinagar), for the offences punishable under sections 406, 420, 464, 465, 467, 468, 471 read with 34 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) He should not tamper with the prosecution witnesses.
 - (b) He should not witness to any document henceforth, till the trial is concluded.

(S.G. MEHARE, J.)