



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 304 OF 2024

Ifran s/o Rashid Sheikh

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Bhiwapur, District Nagpur (Rural)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V. R. Thote, Advocate for applicant.

Mr. N. B. Jawade, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 28/06/2024

1. Apprehending the arrest at the hands of police, in connection with Crime No.138/2024 registered with Police Station Bhiwapur, District Nagpur (Rural) for the offences punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. Learned counsel Mr. Thote for the applicant submitted that the applicant is the *bona fide* purchaser of the Gut No.56 admeasuring 0.88 R being made an accused with false allegation. He submitted that considering the allegation as it is, which is of civil nature and no criminal offence is made out. He further submitted that as far as the custodial interrogation is concerned, which is not required. After releasing him on ad-interim

anticipatory bail he has cooperated with the investigating agency and attended the Police Station and therefore, his incarceration is not required, in view of that, he be released on bail by granting anticipatory bail. In support of his contention he placed reliance on **Mohammed Ibrahim and others Vs. State of Bihar and another** reported in **(2009) 8 SCC 751**.

3. Learned APP strongly opposed the said application and taken through the entire material collected during the investigation. He has invited my attention towards the sale deed executed in between Prasad Deshmukh and Krushna Sahu and he also invited my attention towards the sale deed executed in favour of the present applicant. On comparison of the signature, it reveals that there is a vast difference between the signatures of the vendor who has executed the sale deed in favour of the present applicant, therefore the doubt is created regarding the execution of sale deed in favour of the present applicant. The prosecution story shows that original owner of the said land was Prasad Deshmukh who sold it to the Krushna Sahu. The said Krushna Sahu has cultivated the land for some years, but he could not get the profit from it. He stop cultivating the same, but there was 250 teak wood trees. After some years, he has visited the agriculture land and found that his 250 teak wood trees were not standing in the said agriculture field, therefore, he approached

to the Revenue Authority and it revealed to him that the alleged land in the name Dnyanendrasingh Parihar to whom present applicant has sold the said land. He submitted that the entire investigation revolves around the sale deed executed in favour of the present applicant, which is forged sale deed and present applicant has again executed the sale deed in favour of said Dnyanendrasingh Parihar when he was not owner of the sale deed. On perusal of the both sale deeds also by comparing the signature there is a substance in the contention made by the learned APP.

4. The investigation is at a primary stage. As far as the contention of the learned Counsel that custodial interrogation is not required is concerned, it is one of the aspect, it is not the sole criteria while granting the anticipatory bail. Merely because the custodial interrogation is not required is not sufficient to grant the relief in favour of the present applicant. Considering the nature and the circumstances under which the alleged incident has taken place, it appears that the applicant is involved in forging the sale deed and thereafter, he represented the present owner that he is the owner of the suit property and executed the sale deed in his favour.

5. I have also perused the decision of **Mohammed Ibrahim and others (supra)** the facts of the matter shows that the applicant therein was a *bona fide* purchaser and out of civil dispute the FIR

came to be lodged against him. Thus, the same judgment can be differentiated on the facts. Considering the *prima facie* material against the present applicant, it reveals from the investigation, the interim protection granted to the present applicant deserves to be cancelled, in view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order:

The application is rejected.

(URMILA JOSHI-PHALKE, J.)