



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

CRIMINAL BAIL APPLICATION (ABA) NO. 404 OF 2024

Iqbal Rashid Diwan

Vs.

State of Maharashtra, Thru. PSO, PS Wathoda, Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. P.S. Jaiswal, Advocate for applicant.

Ms. Trupti Udeshi, APP for non-applicant/State.

CORAM : SMT. URMILA JOSHI PHALKE, J.

DATE : 16.07.2024

Present application is filed by the applicant for grant of pre-arrest bail in connection with Crime No.295/2024 registered with Police Station Wathoda, Nagpur, for the offence punishable under Sections 368, 406, 420, 465, 467, 471 read with Section 34 of the Indian Penal Code.

2. Mr. Jaiswal, leaned counsel for the applicant submitted that as per the allegation the land bearing Khasra No.101/1/1 admeasuring 6 acres was belonging to the complainant Sandip Deogade and his mother. In the year 2016, complainant Sandip and his mother has executed the deed of Power of Attorney in favour of the co-accused Md. Rafique s/o Abdul. Thereafter, the

complainant and his mother sold two acres of land through Power of Attorney in favour of Dipak Chopke and Madhukar Mate by executing sale-deed. It is alleged that subsequently the complainant and his mother cancelled the deed of Power of Attorney which was in favour of the co-accused Md. Rafique. However, using earlier Power of Attorney co-accused Md. Rafique got executed the sale-deed of other two acres land in favour of the third person. It is further alleged that the same land was again sold out to another person. As far as present applicant is concerned, he stood as an attesting witness to the said sale-deed. He submitted that considering the role of the present applicant, his custodial interrogation is not required, he was not aware about the title of the landed property. Being a friend, he put his signature on the said sale-deed, in view of that, the ad-interim protection granted to the applicant deserves to be confirmed.

3. Learned APP strongly opposed the said application on the ground that the co-accused Md. Rafique not only executed the sale-deed in favor of the third person but prior to that he has executed the sale-deed as a seller as well as the purchaser also and present applicant was aware about the said fact and in connivance with each other they have duped

the complainant and his friend. Therefore, the application for grant of anticipatory bail deserves to be rejected.

4. After hearing the learned counsel for applicant and learned APP for the State. Perused the investigation papers, from which, it reveals that the role attributed to the present applicant is only to the extent of attesting witness on the said sale-deed. The applicant has cooperated with the investigating agency during the investigation, after he is protected by granting ad-interim protection, in view of that the ad-interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order : -

ORDER

(a) The ad-interim protection granted to the applicant by order dated 12.06.2024 is hereby confirmed by modifying the condition that the applicant shall attend the concerned Police Station as and when required for the investigation purpose.

5. The criminal application is disposed of.

(SMT. URMILA JOSHI PHALKE, J)