



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

CRIMINAL APPLICATION (APPP) NO.1171 OF 2024
IN
CRIMINAL APPLICATION (ABA) NO. 480 OF 2024

Sachin Vasantao Gadiwar and another
Vs.

The State of Maharashtra, Through Police Station Officer, Police Station,
Bhisi, District Chandrapur

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

Court's or Judge's orders

Mr. A. A. Dhawas, Advocate for applicants.
Ms. H. N. Prabhu, APP for respondent/State.
Mr. P. D. Sharma, Advocate for assist to prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/07/2024

1. The original complainant has filed this intervention application on the ground that he has to oppose the said application, considering the allegation in the FIR and therefore, he be permitted to appear and intervene in the said matter.

2. The said application though opposed by the learned Counsel for the applicant, considering the reasons mentioned in the application, the application deserves to be allowed.

3. In view of that, the application is allowed.

CRIMINAL APPLICATION (ABA) NO. 480 OF 2024

1. Apprehending the arrest at the hands of police in connection with Crime No.175/2023 registered with Police Station, Bhis, District Chandrapur for the offences punishable under Sections 420, 466, 468, 472, 473, 474, 475 and 476 of the Indian Penal Code.

2. As per the accusation against the present applicants, they had entered into an agreement with Smt. Jaymala Gulhane for purchase of property. However, she did not sell the property as agreed. A Special Civil Suit No.142/2008 was filed for the specific performance of contract. The said Civil Suit was decreed on 22.07.2013. Thereafter, the First Appeal and Second Appeal also decided in favour of the present applicants. The decree was put in the execution proceedings. The Second Appeal was dismissed on 12.09.2017. It is alleged that the receipt showing that the applicants were present in the Registrar's Office for execution of the sale deed is a forged receipt. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that as far as the allegations are concerned, the applicants agreed to purchase a property from one Jaymala Gulhane i.e. the mother

of the informant. She was the owner of the property who agreed to sell the property but eventually, she has not executed the sale deed. Hence, the applicants have filed Special Civil Suit No.142/2008 for specific performance of contract. The said Civil Suit was decreed on 22/07/2013. Thereafter, the informant preferred an appeal. In the said appeal, the Appellate Court refused to condone the delay. Thereafter, the Second Appeal was also filed bearing No.8/2017 which was also dismissed. Thereafter, the informant approached to the Hon'ble Apex Court, but he could not get any relief from the Hon'ble Apex Court. Thereafter, the applicants filed the execution proceeding Special Darkhast No.50/2014 in which by the order of the Court, the sale deed has been executed in favour of the applicants by following the due process of law. Now, this complaint is lodged only to deprive the present applicants from getting possession. He submitted that as far as the allegations regarding the forgery of the receipts are concerned, are false and baseless one. He submitted that now that receipts are already in possession of the Investigating Officer, therefore, the custodial interrogation of the applicants is not required.

4. Learned APP strongly opposed the said application on the ground that during the investigation, the investigating agency also applied to the Sub-Registrar Office, Chimur on 25.03.2014 and has obtained the photocopies of the other documents

having the signature of Mr. Meshram in order to verify the genuineness of the signature. The handwriting expert's opinion is also obtained which substantiates the said contention. She submitted that in view of that, the prayer for grant of anticipatory bail deserves to be rejected.

5. Learned Counsel for the complainant has filed the intervention application. It was expected to file the application along with a reply to the application which was not filed and he requested for time.

6. Considering the immediate apprehension of the applicants that they may be arrested in the said crime and considering the background under which the alleged FIR is lodged, at this stage, it would be appropriate to protect the present applicants by granting ad-interim protection. Accordingly, I proceed to pass following order:

ORDER

(i) In the event of arrest, in connection with Crime No.175/2023 registered with Police Station, Bhis, District Chandrapur for the offences punishable under Sections 420, 466, 468, 472, 473, 474, 475 and 476 of the Indian Penal Code, the applicant **No.(1) Sachin Vasantrao Gadiwar and No.(2) Ishwar Wamanrao Deshmukh** shall be released on ad-interim anticipatory bail, on executing PR

bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

(ii) The applicants shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(iii) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

7. Stand over after two weeks.

(URMILA JOSHI-PHALKE, J.)